

Amend 310 CMR 7.00 Definitions as follows:

ABOVEGROUND STORAGE TANK or AST, as used in 310 CMR 7.24(3) and 310 CMR 7.24(6), means a motor vehicle fuel storage tank that is intended for fixed installations, without backfill, that is located above or below grade.

CALIFORNIA AIR RESOURCES BOARD ~~hereafter referred to as~~ California ARB or CARB means the California state agency established and empowered to regulate sources of air pollution in California, including motor vehicles, pursuant to California Health ~~&~~ and Safety Code Sections 39500 *et seq.*

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COMMENCE OPERATIONS, as used in 310 CMR 7.24(3) and 310 CMR 7.24(6), means that point, ~~after a Stage I or Stage II system has been installed or has undergone a substantial modification, at which a~~ when motor vehicle fuel ~~is first dispensed~~ ing for sale or use from a motor vehicle fuel dispensing facility or tank truck ~~where a Stage II system has been installed or substantially modified, begins dispensing motor vehicle fuel~~ for the purpose said facility or tank truck is intended.

DUAL-POINT STAGE I SYSTEM, as used in 310 CMR 7.24(3), means a type of Stage I system in which the storage tank is equipped with an entry port for a motor vehicle fuel fill pipe and a separate exit port for a vapor connection.

EXECUTIVE ORDER, as used in 310 CMR 7.24(3) and 310 CMR 7.24(6), means a certification document, including but not limited to, applicable exhibits, installation, operation and maintenance manuals, manufacturer guidance documents and manufacturer advisory correspondence or mail outs, as issued or approved by ~~the California Air Resources Board~~ CARB, in accordance with the applicable certification procedures (Title 17 of the California Code of Regulations, section 94011, as amended April 12, 1996) and adopted by the Department ~~of Environmental Protection~~ in 310 CMR 7.24(3) and 310 CMR 7.24(6) ~~(g) in accordance with M.G.L. c. 30A.~~

MONTHLY THROUGHPUT means the total volume of motor vehicle fuel that is loaded into, or dispensed from, all motor vehicle fuel storage tanks at a motor vehicle fuel dispensing facility during a month. Monthly throughput is calculated by summing the volume of motor vehicle fuel loaded into, or dispensed from, all motor vehicle fuel storage tanks at a motor vehicle fuel dispensing facility during the current day, plus the total volume of motor vehicle fuel loaded into, or dispensed from, all motor vehicle fuel storage tanks at a motor vehicle fuel dispensing facility during the previous 364 days, and then dividing that sum by 12.

MOTOR VEHICLE FUEL DISPENSING FACILITY means any facility where motor vehicle fuel is dispensed into motor vehicle fuel storage tanks, motor vehicle fuel-powered equipment, or portable containers from a storage tank with a capacity of 250 gallons or more.

RESPONSIBLE OFFICIAL means, in the case of:

- (a) a sole proprietorship - the sole proprietor.
- (b) a partnership - a general partner with the authority to bind the partnership.

(c) a corporation or a non-profit corporation - ~~a corporate official with authority to bind the corporation such as~~ a president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, ~~or any other person who performs similar policy making or decision making functions of the corporation~~ who has been duly authorized to bind the corporation pursuant to a corporate vote, or an employee of the corporation who has been duly authorized to bind the corporation pursuant to a corporate vote.

(d) a municipality or other public agency - a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency.

(e) a trust - a trustee or any other natural person authorized (i) to enter into contracts regarding the trust property, (ii) to bind the trust, or (iii) to encumber or dispose of the trust property.

(f) a limited liability company - a person authorized pursuant to M.G.L. c. 156C, § 24 and the limited liability company's operating agreement to bind the company and all the members.

STAGE I CARB ENHANCED VAPOR RECOVERY (EVR) Component or EVR COMPONENT, as used in 310 CMR 7.24(3), means a component identified in any of the Executive Orders listed in 310 CMR 7.24(3)(c)1. Table 1. and 310 CMR 7.24(3)(c)1. Table 2.

STAGE I CARB ENHANCED VAPOR RECOVERY (EVR) SYSTEM, as used in 310 CMR 7.24(3), means a vapor balance system certified by CARB pursuant to a Phase I Executive Order to prevent discharge to the atmosphere of at least 98% by weight of vapors displaced during the transfer of motor vehicle fuel from a tank truck to a motor vehicle fuel storage tank.

STAGE I COMPONENT ENHANCED VAPOR RECOVERY (EVR) SYSTEM, as used in 310 CMR 7.24(3), means:

(a) for an underground storage tank, a vapor balance system constructed from components identified in any one of the Phase I Executive Orders listed in 310 CMR 7.24(3)(c)1. Table 1., including, but not be limited to, the following components: spill containment buckets, drain valves, dust caps, rotatable product adaptors, riser adaptors, drop tubes, rotatable vapor adaptors, tank gauge ports, and pressure/vacuum vent valves; and

(b) for aboveground storage tanks, a vapor balance system constructed from components identified in any of the Phase I Executive Orders and applicable Standing Loss Control Executive Orders listed in 310 CMR 7.24(3)(c)1. Table 2.

STAGE I MINOR MODIFICATION, as used in 310 CMR 7.24(3), means the installation, repair or replacement of one or more Stage I system components that is not substantial, including, but not limited to, product drop tubes; overfill prevention devices; "screw-on" spill containment; and dry break buckets.

STAGE I NON-ENHANCED VAPOR RECOVERY SYSTEM, as used in 310 CMR 7.24(3), means a vapor balance system certified by CARB to prevent discharge to the atmosphere of at least 95% by weight of vapors displaced during the transfer of motor vehicle fuel from a tank truck to a motor vehicle fuel storage tank.

STAGE I ROUTINE MAINTENANCE, as used in 310 CMR 7.24(3), means the regular installation, repair or replacement of one or more Stage I system components, including, but not limited to, bucket plow rings; "slip-on" spill containment and dry break buckets; "O" rings and

seals; product adaptors; vapor adaptors; product caps; vapor caps; monitor caps; riser caps; drain valves; and pressure/vacuum vent valves.

STAGE I SUBSTANTIAL MODIFICATION, as used in 310 CMR 7.24(3), means, the installation, repair or replacement of one or more Stage I system components requiring excavation below a shear valve or tank pad including, but not limited to, vent piping; vapor space tie bar; dual-point or co-axial Stage I systems; or motor vehicle fuel storage tanks.

STAGE I SYSTEM means a Stage I CARB EVR System, a Stage I Component EVR System, or a Stage I Non-enhanced vapor recovery system.

STAGE II MINOR MODIFICATION means, for the purposes of 310 CMR 7.24(6), the re-installation, repair or replacement of one or more Stage II System components that is not substantial, including, but not limited to: less than 50% of the motor vehicle fuel dispensers (e.g., one of four dispensers); a central vacuum unit of a Healy 400 ORVR nozzle system or Healy 600 nozzle system; ball float extractor valve housings; dispenser mounted vapor pumps; or “screw-on” spill or dry break buckets. If the re-installation, repair or replacement of Stage II System components occurs at a motor vehicle fuel dispensing facility with two or less dispensers, the re-installation, repair or replacement of only one of the motor vehicle fuel dispensers shall be a Minor Modification.

STAGE II ROUTINE MAINTENANCE means, for the purposes of 310 CMR 7.24(6), the regular reinstallation, repair or replacement of one or more Stage II System components including, but not limited to: hoses; nozzles; breakaways; swivels; hose retractors; bucket plow rings; “slip-on” spill or dry break buckets; “O” rings and seals; submersible pumps or suction pipes; fill adaptors; fill tubes; vapor adaptors; fill and vapor caps; drain valves; monitor caps; or riser caps.

STAGE II SUBSTANTIAL MODIFICATION means, for the purposes of 310 CMR 7.24(6), the reinstallation, repair or replacement of one or more Stage II System components including, but not limited to: 50% or more of the motor vehicle fuel dispensers (e.g., two of four dispensers); the replacement of one type of Stage II system with another type (e.g., replacement of a balance system with a vacuum assist system, or a Healy 400 ORVR nozzle system or Healy 600 nozzle system with a Healy VP-1000 system); or the re-installation, repair or replacement of Stage II System components requiring excavation below a shear valve or tank pad (e.g., vapor return piping, vent piping, vapor space tie bar, two-point or coaxial Stage I systems; or motor vehicle fuel storage tanks). If the re-installation, repair or replacement of one or more Stage II System components occurs at a motor vehicle fuel dispensing facility with two or fewer dispensers, the re-installation, repair or replacement of all motor vehicle fuel dispensers shall be a Substantial Modification.

STAGE II SYSTEM, as used in 310 CMR 7.24(6), means a vapor ~~collection and control~~ recovery system identified in an Executive Order and specifically designed for the purpose of controlling vapors during the direct dispensing of motor vehicle fuel to a motor vehicle ~~and which was issued an Executive Order by the California Air Resources Board approving the system for use.~~

SUBMERGED FILLING means the filling of a ~~tank truck or stationary~~ motor vehicle fuel storage tank through a pipe ~~or hose~~ whose discharge opening is entirely submerged below the surface level of the liquid in the tank ~~when the pipe normally used to withdraw liquid from the tank can no longer withdraw liquid.~~

VAPOR BALANCE SYSTEM means a Stage II vapor recovery system utilizing direct displacement to collect and ~~or~~ process vapors during the ~~dispensing~~ transfer of motor vehicle fuel.

~~VAPOR COLLECTION AND CONTROL SYSTEM (for the purpose of 310 CMR 7.24(6)) means any system certified by the Department and which prevents discharge to the atmosphere of at least 95% by weight of motor vehicle fuel vapors displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks. Vapor collection and control systems certified by the Department for installation and operation under the requirements of 310 CMR 7.24(6) shall be listed periodically in the Massachusetts Environmental Protection Act office publication, the Environmental Monitor, issued in accordance with the provisions at 301 CMR 11.19.~~

VAPOR-TIGHT means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.

Amend 310 CMR 7.03(13) as follows:

(13) Motor Vehicle Fuel Dispensing Facility. Construction, substantial reconstruction or alteration of a ~~vapor collection and control system (Stage I and/or Stage II)~~ system at a motor vehicle fuel dispensing facility, provided that such system meets the requirements of 310 CMR 7.24(~~23~~) and (6), and the Department is notified of said installation.

Delete 310 CMR 7.24(3) in its entirety and replace with the following:

- (a) Applicability.
1. The requirements of 310 CMR 7.24(3) apply to:
 - a. Any owner/operator of a motor vehicle fuel dispensing facility;
 - b. Any owner/operator of a company that performs Stage I compliance tests pursuant to 310 CMR 7.24(3); and
 2. 310 CMR 7.24(3) does not apply to:
 - a. Stationary motor vehicle fuel storage tanks of less than 550 gallons capacity used exclusively for farm use provided the transfer of motor vehicle fuel only occurs through submerged filling; and
 - b. Transfers made to motor vehicle fuel storage tanks equipped with floating roofs that have been approved by the Department pursuant to 310 CMR 7.24(1).
- (b) Stage I Requirements.
1. No owner/operator of a motor vehicle fuel dispensing facility shall allow the transfer of motor vehicle fuel to a storage tank unless the vapors are collected by a Stage I system.
 2. Any owner/operator of a motor vehicle fuel dispensing facility shall:
 - a. On or before [180 days from the effective date of the regulations], install:
 - i. CARB Enhanced Vapor Recovery (EVR) pressure/vacuum vent valves; and
 - ii. CARB EVR rotatable product and vapor adaptors; except that such adaptors shall not be required for aboveground storage tanks and motor vehicle fuel storage tanks equipped with coaxial Stage I systems.
 - b. On or before [7 years from the effective date of the regulations], install:
 - i. A Stage I CARB EVR System in accordance with any one of the Executive Orders listed in 310 CMR 7.24(3)(c)1. Table 1; or
 - ii. A Stage I Component EVR System in accordance with the applicable Executive Orders listed in 310 CMR 7.24(3)(c)1. Table 1. and manufacturers' guidance.
 - c. Not install a coaxial Stage I system, and on or before [7 years from the effective date of the regulations], replace any existing coaxial Stage I system with a dual-point Stage I system.
 3. Any owner/operator of a motor vehicle fuel dispensing facility who installs a Stage I system after [effective date of regulation] shall install:
 - a. A Stage I CARB EVR System in accordance with one of the Executive Orders listed in 310 CMR 7.24(3)(c)1. Table 1; or
 - b. A Stage I Component EVR System in accordance with the applicable Executive Orders listed in 310 CMR 7.24(3)(c)1. Table 1. and manufacturers' guidance;
 - c. Submerged fill pipes so that the discharge point is entirely submerged when the liquid level is six inches above the bottom of the tank; and

- d. A dual-point Stage I system.
4. Except as provided in 310 CMR 7.24(3)(b)5., any owner/operator of a motor vehicle fuel dispensing facility that has a monthly throughput of 100,000 gallons of motor vehicle fuel or more shall install and operate a Stage I system that meets the following design criteria:
 - a. All vapor connections and lines on the storage tank shall be equipped with closures that seal upon disconnect;
 - b. The vapor line from the gasoline storage tank to the gasoline cargo tank shall be vapor-tight;
 - c. The vapor balance system shall be designed such that the pressure in the tank truck does not exceed 18 inches water pressure or 5.9 inches water vacuum during product transfer;
 - d. The vapor recovery and product adaptors, and the method of connection with the delivery elbow, shall be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations;
 - e. If a gauge well separate from the fill tube is used, it shall be provided with a submerged drop tube that extends no more than 6 inches from the bottom of the tank;
 - f. Liquid fill connections for all systems shall be equipped with vapor-tight caps.
 - g. Pressure/vacuum (P/V) vent valves shall be installed on the storage tank vent pipes. The pressure specifications for PV vent valves shall be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, shall not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water;
 - h. The vapor balance system shall be capable of meeting the static pressure performance requirement of the following equation:

$$P_f = 2e^{-500.887/v}$$
 Where:
 Pf = Minimum allowable final pressure, inches of water.
 v = Total ullage affected by the test, gallons.
 e = Dimensionless constant equal to approximately 2.718.
 2 = The initial pressure, inches water.
5. NESHAPS Compliance.
 - a. Any owner/operator subject to 310 CMR 7.24(3)(b)(4) who chooses, under the provisions of 40 CFR Part 63.6(g), to use a vapor balance system other than that described in Table 1 to Subpart CCCCCC of 40 CFR Part 63, and who demonstrates to EPA the equivalency of their vapor balance system to that described in Table 1 pursuant to 40 CFR Part 63.11120(b), shall not be required to install and operate a Stage I system that meets the design criteria in 310 CMR 7.24(3)(b)3.a.– h.
 - b. Any owner/operator subject to 310 CMR 7.24(3)(b)(4) who does not meet the requirements of 40 CFR Part 63.11118(b)(2) is required to fully comply with all applicable requirements in Subpart CCCCCC of 40 CFR

Part 63, including recordkeeping, testing and monitoring, notification and reporting to EPA.

(c) CARB EVR Systems

1. The Department adopts all terms and conditions of the CARB EVR System Executive Orders listed in 310 CMR 7.24(3)(c)1.Table 1. and 310 CMR 7.24(3)(c)1.Table 2.

310 CMR 7.24(3)(c)1.: Table 1.

CARB Underground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders

Executive Order Number	Description	Date
VR-101-N	Phil-Tite Phase I Vapor Recovery System	June 8, 2013
VR-102-N	OPW Phase I Vapor Recovery System	January 25, 2014
VR-103-G	EBW Phase I Vapor Recovery System	June 3, 2013
VR-104-G	CNI Manufacturing Phase I Vapor Recovery System	June 8, 2013

310 CMR 7.24(3)(c)1.: Table 2.

CARB Aboveground Storage Tank Enhanced Vapor Recovery System Executive Orders

Executive Order Number	Description	Date
VR-301-E	Standing Loss Control of Vapor Recovery Systems for Existing Installations of Aboveground Storage Tanks	April 30, 2013
VR-302-E	Standing Loss Control of Vapor Recovery Systems for New Installations of Aboveground Storage Tanks	April 30, 2013
VR-401-C	OPW Enhanced Vapor Recovery (EVR) System for Above Ground Storage Tanks (AST)	June 30, 2013
VR-402-B	Morrison Brothers Phase I Enhanced Vapor Recovery (EVR) System for Above Ground Storage Tanks (AST)	April 15, 2013

(d) Stage I System Operation, Maintenance and Record Keeping.

1. Any owner/operator of a motor vehicle fuel dispensing facility shall operate and maintain the Stage I system in accordance with the system's applicable Executive Orders and manufacturers' guidance.
2. Any owner/operator of a motor vehicle fuel dispensing facility shall visually inspect or cause to be visually inspected the Stage I system once every seven days and within 24 hours of a motor vehicle fuel delivery to determine that the system and its components are unbroken, correctly installed and functioning. Each visual

inspection shall include, but not be limited to, inspection of: coaxial adaptors; fuel and vapor rotatable adaptors; dust caps and gaskets; fuel and vapor spill buckets; drain valves; and pressure/vacuum vent valves. The owner/operator shall ensure that:

- a. Visual inspections shall be performed only by a person who is trained to operate and maintain the Stage I system in accordance with the applicable Executive Orders and manufacturers' guidance; and
 - b. A current record of all persons trained shall be maintained on site, including the date training was last received and the trainee's printed name and signature acknowledging receipt of the training.
3. Upon determining during a visual inspection that a Stage I system component is incorrectly installed, non-functioning or broken, the owner/operator of a motor vehicle fuel dispensing facility shall:
- a. Immediately repair or replace the component; or
 - b. If repairs or replacements cannot be made immediately, repair or replace the component within 30 days of the visual inspection date, or
 - c. If a component cannot be repaired or replaced within 30 days of the visual inspection date, the transfer of motor vehicle fuel into the motor vehicle fuel storage tank equipped with the incorrectly installed, non-functioning or broken component is prohibited until the component is repaired or replaced.
4. Any replacement of an incorrectly installed, non-functioning or broken Stage I components shall be with a CARB EVR component and shall be installed in accordance with the applicable Executive Orders and manufacturers' guidance.
5. Every visual inspection shall be recorded on an inspection checklist that contains at a minimum the following information:
- a. The date each inspection was performed and the name and signature of the person who performed the inspection;
 - b. Any Stage I system component determined to be incorrectly installed, non-functioning or broken;
 - c. Whether any incorrectly installed, non-functioning or broken component was immediately repaired or replaced within 30 days, or whether the transfer of motor vehicle fuel into the motor vehicle fuel storage tank was prohibited until the component was repaired or replaced; and
 - d. The date the incorrectly installed, non-functioning or broken component was repaired or replaced.
6. Any owner/operator of a motor vehicle fuel dispensing facility shall retain on-site in a centralized location in either hard copy or electronic format, the following records:
- a. All of the visual inspection checklists for the prior rolling twelve-month period.
 - b. A copy of compliance testing company test results for compliance tests performed during the prior rolling twelve-month period.
 - c. A copy of the Stage I system's most recent In-Use Compliance Certification in accordance with 310 CMR 7.24(3)(e)4., or, if more recent,

- a copy of the Stage I system's Installation/Substantial Modification Certification in accordance with 310 CMR 7.24(3)(e)3.
 - d. The date and type of Stage I Routine Maintenance performed in the most recent rolling twelve-month period in accordance with 310 CMR 7.24(3)(e)2.a.
 - 7. All records required to be maintained shall be made available to the Department and EPA immediately upon request. If requested records cannot be made immediately available, requested records shall be delivered to the Department and EPA within 48 hours of the initial request.
- (e) Stage I Compliance Testing and Certification.
- 1. Compliance Tests. Any owner/operator of a motor vehicle fuel dispensing facility shall conduct the following compliance tests:
 - a. For all Stage I underground storage tank systems:
 - i. Pressure Decay 2 inch Test (CARB TP-201.3; March 17, 1999);
 - ii. Vapor Tie Test (San Diego APCD TP-96-1, section 5.1.9; March 1, 1996);
 - iii. Pressure/VacuumVent Valve Test (CARB TP-201.1E; October 8, 2003);
 - iv. Static Torque Rotatable Adaptor Test (CARB TP-201.1B; October 8, 2003), if rotatable adaptors are installed; and as applicable, either:
 - v. Leak Rate of Drop Tube/Drain Valve Assembly Test (CARB TP-201.1 C; October 8, 2003); or
 - vi. Leak Rate of Drop Tube/ Overfill Prevention Devices (CARB T-201.1D; October 8, 2003).
 - b. For all Stage I aboveground storage tank systems:
 - i. Determination of Static Pressure Performance of Vapor Recovery Systems at Gasoline Dispensing Facilities with Aboveground Storage Tanks in Exhibit 4 of CARB Executive Order VR-401-C (June 30, 2013) and CARB Executive Order VR-402-B (April 15, 2013);
 - ii. Static Torque Rotatable Adaptor Test (CARB TP-201.1B; October 8, 2003), if rotatable adaptors are installed; and
 - iii. Pressure/VacuumVent Valve Test (CARB TP-201.1E; October 8, 2003).
 - 2. Stage I Routine Maintenance and Stage I Minor Modifications.
 - a. In the event of Stage I routine maintenance, a record of all Stage I routine maintenance shall be maintained in accordance with 310 CMR 7.24(3)(d)6. Compliance testing and submittal of a compliance certification to the Department is not required.
 - b. In the event of a Stage I minor modification, applicable compliance tests shall be performed in accordance with 310 CMR 7.24(3)(e)1. and passed prior to commencing system operation and a record of the modification and test results shall be maintained in accordance with 310 CMR 7.24(3)(d)6. Submittal of a compliance certification to the Department is not required.

- c. Any replacement of a Stage I system component shall be with a CARB EVR component.
- 3. Stage I Installation and Substantial Modification Certification. Any owner/operator of a motor vehicle fuel dispensing facility who installs a Stage I system or makes a Stage I substantial modification shall, prior to commencing operation, perform and pass all applicable compliance tests listed in 310 CMR 7.24(3)(e)1. and submit to the Department within 7 days of performing and passing the tests, a fully completed and signed Installation/Substantial Modification Certification, on a form provided by the Department, attesting to the following:
 - a. The installed or substantially modified Stage I system has been installed, repaired or modified in accordance with the applicable Executive Orders and manufacturers' guidance;
 - b. All applicable compliance tests listed in 310 CMR 7.24(3)(e)1. were performed and passed; and
 - c. The applicable tests were performed and passed not more than 30 days prior to the Certification's submittal date.
- 4. Annual In-Use Compliance Certification. Except as provided in 310 CMR 7.24(3)(e)5.:
 - a. Any owner/operator of a motor vehicle fuel dispensing facility shall annually submit to the Department a fully completed and signed In-Use Compliance Certification on a form provided by the Department.
 - b. Any owner/operator of a motor vehicle fuel dispensing facility shall attest to the following:
 - i. The Stage I system is operated and maintained in accordance with the applicable Executive Orders and manufacturers' guidance;
 - ii. All applicable compliance tests listed in 310 CMR 7.24(3)(e)1. were performed and passed; and
 - iii. The applicable tests were performed and passed not more than 30 days prior to the Certification's submittal date.
- 5. Alternative Annual In-Use Compliance Certification.
 - a. Any owner/operator of a motor vehicle fuel dispensing facility who submits Annual In-Use Compliance Certifications for two consecutive years in compliance with 310 CMR 7.24(3)(e)4. in which all applicable in-use compliance tests were passed on the first try, as certified pursuant to 310 CMR 7.24(3)(h)8., may elect to submit to the Department an Alternative Annual In-Use Compliance Certification on a form provided by the Department.
 - b. An owner/operator meeting the requirements of 310 CMR 7.24(3)(e)5.a. and electing to submit an Alternative Annual In-Use Compliance Certification shall be:
 - i. exempt from annual Stage I compliance testing requirements in the first year the Alternative Annual In-Use Compliance Certification is submitted in compliance with 310 CMR 7.24(3)(e)5.a.; and
 - ii. subject to all compliance tests listed in 310 CMR 7.24(3)(e)1. as applicable, in the second year the Alternative Annual In-Use

Compliance Certification is submitted, and every other year thereafter.

- c. Any owner/operator of a motor vehicle fuel dispensing facility who submits an alternative In-Use Compliance Certification and fails one or more compliance certification tests on the first try shall, in subsequent years, comply with the requirements of 310 CMR 7.24(3)(e)4., until such time as the owner/operator meets the requirements in 310 CMR 7.24(3)(e)5.a.
6. Determination of submittal and receipt dates.
- a. The owner/operator of a motor vehicle fuel dispensing facility shall submit the annual certification required by 310 CMR 7.24(3)(e)4 to the Department no later than the anniversary of the receipt date of the most recently submitted:
 - i. Stage I Installation/Substantial Modification Certification;
 - ii. Annual Stage I In-use Compliance Certification;
 - iii. Alternative Annual In-Use Compliance Certification; or
 - iv. Stage II Decommissioning Notification.
 - b. If the owner/operator requests a change in the submittal due date, the Department may revise the annual certification submittal due date and shall set a revised submittal due date that is no more than 12 months after the current submittal due date.
 - c. Receipt Date at the Department shall be determined as follows:
 - i. If hand-delivered, the receipt date is the date of the receipt stamp;
 - ii. If mailed, the receipt date is the date of the postmark on the envelope used to submit the document to the Department; or
 - iii. If electronically submitted, the receipt date is the date the electronic submission is sent to the Department.
7. Any owner/operator of a motor vehicle fuel dispensing facility whose Stage I system fails one or more in-use compliance tests required by 310 CMR 7.24(3)(e)1. shall:
- a. Immediately repair or replace the incorrectly installed, non-functioning or broken component in accordance with the applicable Executive Orders and manufacturers' guidance;
 - b. If any Stage I system component is replaced, it shall be replaced with a CARB EVR component and installed in accordance with applicable Executive Orders and manufacturers' guidance;
 - c. Continue to repair or replace and re-test until each failed test is passed; and
 - d. Submit to the Department an Annual In-Use Compliance Certification on or before the facility's Annual In-Use Compliance Certification submittal due date or within 30 days of the date of the first passing test result, whichever occurs first.
8. If a Stage I system fails one or more required in-use compliance tests and the system cannot be repaired as required by 310 CMR 7.24(3)(e)7., the owner/operator of a motor vehicle fuel dispensing facility shall not transfer or allow the transfer of motor vehicle fuel into the motor vehicle fuel storage tank equipped with the failing Stage I system until the system is repaired in accordance with the applicable Executive Orders and manufacturers' guidance and all applicable

compliance testing, record keeping and certification requirements for routine maintenance, minor modification or substantial modification of a Stage I system are complied with.

9. Any Certification submitted to the Department as required by 310 CMR 7.24(3)(e) shall be signed by a Stage I System Responsible Official as required by 310 CMR 7.24(3)(g).
10. Any owner/operator of a motor vehicle fuel dispensing facility, upon written notice from the Department, shall perform such compliance tests as the Department determines necessary to demonstrate the Stage I system is installed and maintained in accordance with the applicable Executive Orders and manufacturers' guidance and shall submit the results to the Department within 14 days of the performance of the tests.
11. Compliance tests performed to meet the requirements of 310 CMR 7.24(3)(e)1. shall be performed only by a compliance testing company that has submitted a Compliance Testing Company Notification to the Department as required by 310 CMR 7.24(3)(h)1.

(f) Notification Requirements.

1. Any person, upon entering into a purchase, lease or other contractual agreement by which the person becomes the owner/operator of a motor vehicle fuel dispensing facility subject to 310 CMR 7.24(3), shall submit to the Department, within 30 days of the effective date of becoming such an owner/operator or within 10 days of a written request from the Department, a fully completed New Stage I System Owner/Operator Notification on a form provided by the Department.
 - a. The Notification shall include the following:
 - i. The name of the new Stage I system owner/operator, and related business documentation, including the name and address of the facility where the Stage I system is located; and
 - ii. The effective date that the person became the new owner/operator.
 - b. The Notification shall be signed by the individual who is a Stage I Responsible Official for the new owner/operator regarding the Stage I system, who shall attest to the following:
 - i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;
 - ii. I am fully authorized to make this attestation on behalf of this facility.
2. Any owner/operator of a motor vehicle fuel dispensing facility, upon entering into a sale, lease or other contractual agreement by which the owner/operator relinquishes his or her authority as an owner/operator of a motor vehicle fuel dispensing facility subject to 310 CMR 7.24(3), shall submit to the Department, within 30 days of the effective date of the sale, lease or other contractual agreement,

a signed letter, or a form provided by the Department, notifying the Department of the following:

- a. The name of the owner/operator relinquishing authority as an owner/operator, the facility name, address, and DEP Facility Account Number, as applicable;
 - b. The name of the new owner/operator of the motor vehicle fuel dispensing facility subject to 310 CMR 7.24(3) mailing address, phone number, email address; and
 - c. The effective date of the change of owner/operator.
3. Any owner/operator of a motor vehicle fuel dispensing facility seeking to permanently or temporarily take out-of-service a Stage I system shall submit to the Department a fully completed and signed Stage I System Closure Notification on a form provided by the Department.
- a. The Stage I System Closure Notification shall include, but not be limited to:
 - i. The name of the motor vehicle fuel dispensing facility owner/operator and related business information;
 - ii. The DEP Facility Account Number, as applicable;
 - iii. The name and address of the facility where the Stage I system is located;
 - iv. The date the Stage I system was permanently or temporarily taken out-of-service, and attached, as applicable, current:
 - A. Underground storage tank Registration Notification indicating that the status of the tank is Temporarily Out-of-Service;
 - B. Underground storage tank Notification indicating the that status of the tank is closed (Removed or Closed In-Place); or
 - C. Local permit for aboveground storage tank documenting Temporarily Out-of Service Status or closure/removal.
 - b. A Stage I system shall not be temporarily out-of-service for more than five years from the date of being taken out of service.
 - c. Any owner/operator of a Stage I system that is temporarily out-of-service in accordance with 310 CMR 7.24(3)(f)3. shall, prior to recommencing operation, perform and pass all applicable compliance tests in accordance with 310 CMR 7.24(3)(e)1. and submit to the Department a fully completed Installation/Substantial Modification Certification as required by 310 CMR 7.24(3)(e)3.
 - d. Any Notification submitted to the Department as required by 310 CMR 7.24(6)(f) shall be signed by a Responsible Official as required by 310 CMR 7.24(3)(g).

(g) Stage I System Responsible Official Certification of Compliance.

1. Except in circumstances described in 310 CMR 7.24(3)(g)2., any Certification required by 310 CMR 7.24(3)(e) or Notification required by 310 CMR 7.24(3)(f) shall be signed by a Responsible Official regarding Stage I system compliance.
2. For Stage I systems owned by one party and leased, operated or controlled by another independent party and where both parties have separate Stage I system

compliance responsibilities, any Certification submitted pursuant to 310 CMR 7.24(3)(e) or Notification submitted pursuant to 310 CMR 7.24(3)(f) shall be signed by Responsible Officials for each party regarding Stage I system compliance. Each Responsible Official shall attest to the following:

- a. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;
- b. that systems to maintain compliance are in place at the facility and will be maintained for the coming year even if the processes or operating procedures are changed over the course of the year; and
- c. I am fully authorized to make this attestation on behalf of this facility.

(h) Compliance Testing Company Requirements.

1. If an owner/operator, employee or contractor of a compliance testing company performs Stage I compliance tests to meet the requirements of 310 CMR 7.24(3)(e)1., the owner/operator of a compliance testing company shall submit to the Department a fully completed Compliance Testing Company Notification, on a form provided by the Department, prior to performing any required Stage I compliance test.
 - a. The Compliance Testing Company Notification shall include the following:
 - i. The name and business mailing address of the Stage I compliance testing company owner, operator, lessee or controller;
 - ii. The name and address of any business that is engaged in the installation or Substantial Modification of Stage I systems and is owned, operated, leased or controlled by, or affiliated with the owner/operator of the compliance testing company;
 - iii. The name and address of any motor vehicle fuel dispensing facility subject to 310 CMR 7.24(3) that is owned, operated, leased or controlled by, or affiliated with the owner/operator of the compliance testing company;
 - iv. The address and telephone number of the facility(ies) from which the daily compliance testing activities of the compliance testing company originate and at which any records required by 310 CMR 7.24(3)(h)10. are maintained;
 - v. A written description of the employee training systems in place at the compliance testing company to ensure required compliance tests are performed as required by applicable protocols and procedures, pursuant to 310 CMR 7.24(3)(h)6. and 7.; and
 - vi. A list of all compliance testing company Responsible Officials with the authority to sign Compliance Testing Company Certifications on behalf of the compliance testing company.

- b. Each Compliance Testing Company Notification shall be signed by an individual who is a Responsible Official for the compliance testing company, who shall attest to the following:
 - i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;
 - ii. Employee training systems are in place at the compliance testing company to ensure Stage I compliance tests are performed as required by all applicable protocols and procedures and such training systems will be maintained for the coming year even if the protocols and procedures are changed over the course of the year; and
 - iii. I am fully authorized to make this attestation on behalf of this compliance testing company.
- 2. An owner/operator of a compliance testing company shall notify the Department in writing of any change to the information submitted to the Department pursuant to 310 CMR 7.24(3)(h)1. within 14 days of the effective date of such change. Upon the Department's written request, the person shall submit a fully revised and completed Notification to the Department as required by the requirements of 310 CMR 7.24(3)(h)1.
- 3. No owner/operator, employee or contractor of a compliance testing company shall perform any Stage I compliance test unless said person has first been trained in accordance with the applicable compliance test protocols and procedures required by 310 CMR 7.24(3)(h)7.
- 4. An owner/operator of a compliance testing company shall submit, at least once every two weeks, a written list to the Department identifying all motor vehicle fuel dispensing facilities at which the company is scheduled to perform required Stage I compliance tests over the next 14 day period.
 - a. The list shall include the name and address of each motor vehicle fuel dispensing facility to be tested, the applicable section under 310 CMR 7.24(3)(e) 3., 4., or 5., and the estimated time that the company expects to arrive at the facility location.
 - b. The Department shall be notified, in writing, of any change of date of an individual facility's scheduled compliance tests no later than 9:00 a.m. of the day the scheduled tests are to occur. Additions to a submitted compliance-testing schedule shall be submitted to the Department, in writing, no less than two working days prior to the date of any scheduled test.
 - c. Failure to comply with the Notification requirements of 310 CMR 7.24(3)(h) 4. may be a basis for the Department to determine that tests conducted after inadequate notice are invalid.
- 5. An owner/operator of a compliance testing company shall immediately notify the Department of any failed Stage I compliance tests performed as required by 310 CMR 7.24(3)(e) if the person did not return to retest the Stage I system as required

by 310 CMR 7.24(3)(e)7. on or before the facility's Annual In-Use Compliance Certification submittal date, or within 30 days of the date of the Stage I system's first passing test result, whichever occurs first. The owner/operator of the compliance testing company shall notify the Department regarding the name and address of the motor vehicle fuel dispensing facility, the facility's Facility Account Number and the tests failed.

6. An owner/operator, employee or contractor of a compliance testing company shall perform compliance tests to meet the requirements of 310 CMR 7.24(3)(e) only upon confirmation that:
 - a. All Stage I system components are installed as required and are the correct components pursuant to the requirements of 310 CMR 7.24(3)(c).; and
 - b. All motor vehicle fuel dispensing facilities with two or more motor vehicle fuel storage tanks are properly manifolded pursuant to the requirements of applicable Executive Orders.
7. An owner/operator, employee or contractor of a compliance testing company shall perform Stage I compliance tests on all Stage I systems to meet the requirements of 310 CMR 7.24(3) only in accordance with the applicable test procedures cited in 310 CMR 7.24(3)(e)1.
8. An owner/operator of a compliance testing company shall certify to the Department that each compliance test performed to meet the requirements of 310 CMR 7.24(3)(e) was performed as required by 310 CMR 7.24(3)(h) 6. and 7. As applicable, the Certification shall be submitted on a Stage I Installation/Substantial Modification Certification or In-Use Compliance Certification and shall include:
 - a. The date each compliance test was first performed and the result; and
 - b. The date each compliance test was performed and passed.
9. Each Certification submitted pursuant to 310 CMR 7.24(3)(h)8. shall be fully completed and signed by a compliance testing company Responsible Official, who shall attest to the following:
 - a. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and
 - b. I am fully authorized to make this attestation on behalf of this compliance testing company.
10. An owner/operator of a compliance testing company shall maintain the following records on site, for a minimum of five years, at the location(s) referenced on the form submitted pursuant to 310 CMR 7.24(3)(h)1.a.:
 - a. A complete set of records of compliance tests performed to meet the requirements of 310 CMR 7.24(3)(c). Such records shall include, by facility address:
 - i. The date and first result for each required test performed;
 - ii. The date each test was performed and passed; and
 - i. An itemized list of all Stage I system components repaired or replaced as necessary for the system to pass the applicable tests,

including but not limited to: all spill containment buckets, drain valves, dust caps, rotatable product adaptors, riser adaptors, drop tubes, rotatable vapor adaptors, tank gauge ports, and pressure/vacuum vent valves that are replaced with a CARB EVR component.

- b. A current record of all employees or contractors trained as required by 310 CMR 7.24(3)(d)2. Such record shall include the following:
 - i. The date training was received;
 - ii. The person or employee's printed name; and
 - iii. The signature of the person or employee acknowledging receipt of required training.
- 11. The owner/operator of the compliance testing company shall make all records available to the Department or EPA immediately upon the request. If requested records cannot be made immediately available, requested records shall be delivered to the Department and EPA within 48 hours of the initial request.
- (i) Violations of 310 CMR 7.24(3). Any failure to comply with 310 CMR 7.24(3), or the terms and conditions of any order, permit, authorization, determination, certification, prohibition or approval issued under 310 CMR 7.24(3) shall constitute a violation of 310 CMR 7.24(3). Nothing in 310 CMR 7.24(3), or in any order issued pursuant thereto, shall be construed to limit any right of the Department to take enforcement action pursuant to any other authority.
- (j) Enforcement Provisions. The provisions and requirements of 310 CMR 7.24(3)(a) and (b) are subject to the enforcement provisions specified in 310 CMR 7.52.

Amend 310 CMR 7.24(4) as follows:

(4) Motor Vehicle Fuel Tank Trucks.

(a) No ~~person owning, leasing, operating or controlling~~ owner/operator of a tank truck that carries motor vehicle fuel with a true vapor pressure equal to or greater than 1.5 psia under actual storage conditions and receives fuel from or delivers fuel to a facility subject to 310 CMR 7.24(2), or delivers fuel to a facility subject to the requirements of 310 CMR 7.24(2) or (3) shall cause, suffer, allow or permit the tank truck to be loaded or unloaded unless the tank truck:

1. ~~was~~ Was tested within the 12 preceding months pursuant to 310 CMR 7.24(4)(i);
2. ~~sustains~~ Sustains a pressure change of no more than three inches of ~~H₂O~~water in five minutes when pressurized to a gauge pressure of 18 inches of ~~H₂O~~water or when evacuated to a gauge pressure of ~~six~~5.9 inches of ~~H₂O~~water during the testing;
3. ~~is~~ Is repaired and retested within 15 days of testing if it does not meet the criteria of 310 CMR 7.24(4)(a)2; and
4. ~~d~~Displays a marking in two inch high letters near the Department of Transportation Certification plate required by 49 CFR 178.340-10b, which:
 - a. ~~s~~Shows the initials "DEP" and the date the tank truck last passed the test ("DEP date"); and
 - b. ~~s~~Shall expire not more than 12 months after the date the tank truck last passed the test.

(b) The owner-~~or~~/operator of a bulk terminal, bulk plant, motor vehicle fuel dispensing facility or tank truck subject to 310 CMR 7.24(2), 7.24(3), or 7.24(4)(a) shall design, install and operate any vapor collection and disposal system, vapor balance system, and any appurtenant loading equipment in a vapor-tight manner that prevents:

1. ~~g~~Gauge pressure from exceeding 18 inches of ~~H₂O~~water and vacuum from exceeding ~~six~~5.9 inches of ~~H₂O~~water in the tank truck; and;
2. ~~a~~A reading equal to or greater than 100% of the lower explosive limit (LEL, measured as ~~methane~~propane) at one inch from all points of the perimeter of a potential leak source during transfer operations at the loading rack or stationary tank; and;
3. ~~v~~Visible liquid leaks during loading at the loading rack or unloading at the stationary tank.

(c) The owner-~~or~~/operator of a tank truck subject to 310 CMR 7.24(4) shall:

1. ~~n~~Notify the Department in writing of the date and location of a certification test at least two days before the anticipated test date; and
2. Within 15 days, repair and retest a vapor recovery system or tank truck that exceeds the limits in 310 CMR 7.24(4)(a) or (b).

(d) The Department may, at any time, test any tank truck, or vapor recovery system to determine compliance with the requirements of 310 CMR 7.24(4)(a) or (b).

(e) [Reserved]

(f) Copies of all records and reports required under 310 CMR 7.24 shall immediately be made available to the Department upon verbal or written request, at any reasonable time.

(g) At the discretion of the Department, the requirements for testing and marking motor vehicle fuel tank trucks subject to 310 CMR 7.24(4) may be satisfied if the vehicle undergoes equivalent certification in another state.

(h) The owner-~~or~~/operator of a tank truck subject to 310 CMR 7.24(4)(a) shall maintain records of the daily throughput of any organic material with a true vapor pressure of 1.5 psia or greater under actual storage conditions.

(i) Testing Requirements. Testing to determine compliance with 310 CMR 7.24(4) shall be conducted in accordance with EPA Method 27 as described in Appendix A of CFR Title 40 Part 60, or by any other methods approved by the Department and EPA.

(j) Any owner/operator of a tank truck shall:

1. Maintain and operate the tank truck such that it is vapor tight at all times;
2. Re-fill the tank truck only at bulk gasoline terminals and plants equipped with properly operating vapor recovery systems pursuant to 310 CMR 7.24(2); and
3. Keep hatches on the tank truck closed at all times during loading and unloading.

Delete 310 CMR 7.24(5) in its entirety:

~~(5) Gasoline Reid Vapor Pressure.~~

~~(a) No person shall sell or supply from a bulk plant or terminal, gasoline having a Reid Vapor Pressure greater than 9.0 pounds per square inch (psi) during the period beginning May 1 and continuing through September 15, beginning in 1989 and continuing every year thereafter.~~

~~(b) Compliance with 310 CMR 7.24 may be determined by the Department through an audit of RVP test results provided by the supplier or through fuel sampling and testing subject to the following provisions:~~

~~1. Any person owning, operating, leasing or controlling any gasoline marketing facility shall, upon request by any employee of the Department, provide a sample or samples of gasoline from said gasoline marketing facility in accordance with the test methods listed in 310 CMR 7.24(5)(b)2.~~

~~2. Any fuel sampling and testing required by the Department shall be conducted in accordance with ASTM Method D4177, ASTM Method D4057, ASTM Method D323 or any other method approved by the Department and EPA.~~

~~(c) 310 CMR 7.00 will be enforced in accordance with M.G.L. c. 111, § 142A through E.~~

Amend 310 CMR 7.24(6) as following:

(a) Applicability and Installation Requirements.

~~1. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility constructed or substantially modified after November 1, 1989 shall install, prior to commencing operation, a Stage II system as required by the terms and conditions of the system's currently applicable Executive Order and any Approval Letters issued by CARB on or before March 1, 2009.~~

~~2. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility constructed before November 1, 1989, that has not been substantially modified since November 1, 1989 shall install a Stage II system as required by the terms and conditions of the system's currently applicable Executive Order and as required by the following schedule:~~

~~a. by April 1, 1991 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is greater than or equal to 1,000,000 gallons of motor vehicle fuel; or~~

~~b. by April 1, 1992 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is less than 1,000,000 gallons but greater than or equal to 500,000 gallons of motor vehicle fuel; or~~

~~c. by April 1, 1993 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is less than 500,000 gallons per year but is greater than or equal to 20,000 gallons in any one calendar month; or~~

~~d. by April 1, 1994, or 90 days after dispensing 10,000 gallons or more in any calendar month, whichever is later, for all other motor vehicle fuel dispensing facilities.~~

~~3. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility constructed before November 1, 1989, which has not been substantially modified since November 1, 1989 and which has not dispensed greater than 10,000 gallons of motor vehicle fuel in any one calendar month since January 1, 1988 shall maintain, on site at the facility, monthly records of the total number of gallons of motor vehicle fuel dispensed at said facility for the most recent rolling five year period.~~

~~4. Any person who owns, leases, operates or controls a tank truck engaged in the direct dispensing of motor vehicle fuel to a motor vehicle or portable container shall install, by September 1, 1995 or prior to commencing operation, whichever is later, a Stage II system that meets the terms and conditions of the system's currently applicable Executive Order. Tank trucks dispensing motor vehicle fuel to emergency motor vehicles or portable containers during fire fighting activities or a declared emergency situation are exempt from the requirements of 310 CMR 7.24(6).~~

1. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility or tank truck shall be prohibited from installing a Stage II Vapor Recovery System.

2. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility or tank truck with a Stage II Vapor Recovery System shall decommission the Stage II Vapor Recovery System on or before 2 years from [effective date of regulation] in accordance with 310 CMR 7.24(6)(b)(i).

3. In response to a written request submitted to the Department [6 months] prior to 2 years from [effective date of regulation], the Department, in its sole discretion,

may grant an owner, lessee, operator or controller of a Stage II system with an annual throughput of less than 500,000 gallons, an extension of up to 2 years after 2 years from [the effective date of regulation] to decommission the Stage II system based on financial hardship or extenuating circumstances.

4. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility or tank truck with a Stage II vapor recovery system shall maintain and operate the Stage II system in accordance with 310 CMR 7.24(6) until the Stage II system is decommissioned in accordance with 310 CMR 7.24(6)(I).
5. Any person subject to 310 CMR 7.24(6) shall conspicuously post Stage II system operating instructions on both sides of all motor vehicle fuel dispensers or at a position adjacent to the dispensers that is clearly visible to the system operator during the refueling process. Such instructions shall include:
 - a. a clear pictorial or written description of how to correctly dispense motor vehicle fuel using the installed Stage II system;
 - b. a warning not to continue dispensing motor vehicle fuel ("topping-off") after automatic system shutoff has engaged; and
 - c. the telephone number of the Department's Stage II Consumer Hotline.

~~6. Stationary motor vehicle fuel storage tanks used for following purposes only shall be exempt from the requirements of 310 CMR 7.24(6):~~

- ~~a. A stationary motor vehicle fuel storage tank of 550 gallons or less capacity, used for the purpose of fueling implements of husbandry, provided the fuel storage tank is equipped with submerged fill pipes.~~
- ~~b. A stationary motor vehicle fuel storage tank of greater than 250 gallons, but 1000 gallons or less capacity, used for the purpose of onsite fueling of motor vehicles with motor vehicle fuel that is the by-product of motor vehicle salvage yard operations, provided the fuel storage tank is equipped with:
 - ~~i. a submerged fill pipe; and~~
 - ~~ii. a pressure vacuum vent valve.~~~~

~~Any person who owns, leases, operates or controls a stationary motor vehicle fuel storage tank currently installed at a motor vehicle salvage yard and not in compliance with the requirements of this subsection shall take such action as necessary to comply with the requirements of this subsection on or before September 1, 2009.~~

~~7. On or after March 1, 2009, any person who owns, leases, operates or controls a newly installed motor vehicle fuel dispensing facility where a Stage II system is installed in compliance with 310 CMR 7.24(6)(a) 1. shall install a pressure/vacuum (P/V) vent cap on each underground motor vehicle fuel storage tank vent located at said facility, prior to commencing operation. Any person who owns, leases, operates or controls an existing motor vehicle fuel dispensing facility where a vapor balance Stage II system is installed as of March 1, 2009 shall install a P/V vent cap on each underground motor vehicle fuel storage tank vent on or before said facility's first Annual In-Use Compliance Certification submittal due date after April 1, 2009. Each P/V vent cap shall maintain 3.0 +/- 0.5 inches of water pressure, and 8.0 +/- 2.0 inches of vacuum. **Note:** Per the applicable CARB Executive Orders, above ground motor vehicle fuel storage tanks and~~

~~all underground motor vehicle fuel storage tanks with vacuum assist type Stage II systems are also required to have P/V vent caps.~~

(b) Operation and Maintenance Requirements.

1. Any person subject to 310 CMR 7.24(6) shall comply with the following operation and maintenance requirements.
 - a. Operate and maintain the installed Stage II system as required by the terms and conditions of the system's currently applicable Executive Order.
 - b. Take such actions as necessary to comply with the applicable terms and conditions of any new or modified Executive Order upon Department revision of 310 CMR 7.24(6) to incorporate such new or modified Executive Order. Such actions shall be taken either:
 - i. during applicable Routine Maintenance, Minor Modification or Substantial Modification of the Stage II System; or
 - ii. within four years, whichever occurs first.
 - c. Once every seven (7) days perform a weekly visual inspection of the Stage II system components to determine if such components are installed, functioning and unbroken as required by the terms and conditions of the system's currently applicable Executive Order. Each visual inspection shall include, but not be limited to, inspection of: nozzle boots and splash/vapor guards; hoses; hose retractors, coaxial adaptors, dry breaks, fill caps and gaskets, vapor recovery caps and gaskets, spill containment boxes and drain valves.
 - d. Upon determining a Stage II system component is incorrectly installed, non-functioning or broken during a visual inspection, immediately:
 - i. repair such component(s) as required by the terms and conditions of the system's currently applicable Executive Order; ~~or~~
 - ii. stop dispensing motor vehicle fuel through such component(s), conspicuously post "Out of Service" signs on such component, and repair such component as required by the terms and conditions of the system's currently applicable Executive Order within 14 days of the date such component is determined to be incorrectly installed, non-functioning or broken; ~~or~~
 - iii. decommission the Stage II system in accordance with 310 CMR 7.24(6)(l).
 - e. If an incorrectly installed, non-functioning or broken component cannot be repaired as required by 310 CMR 7.24(6)(b) 1.d., such component shall immediately be ~~i~~isolated. "Out of Service" signs shall be conspicuously posted on said ~~i~~isolated component until such time as said component is correctly repaired as required by the Stage II system's currently applicable Executive Order or the Stage II system is decommissioned in accordance with 310 CMR 7.24(6)(l).
 - f. If an incorrectly installed, non-functioning or broken component cannot be repaired or ~~i~~isolated as required by 310 CMR 7.24(6)(b) 1.d. or e., the ~~facility owner/operator~~ person who owns, operates, leases or controls the Stage II system at the facility shall immediately stop dispensing motor vehicle fuel and conspicuously post "Out of Service" signs on all motor

vehicle fuel dispensers until such time as all incorrectly installed, non-functioning or broken components are correctly repaired as required by the terms and conditions of the Stage II system's currently applicable Executive Order or the Stage II system is decommissioned in accordance with 310 CMR 7.24(6)(l).

2. A visual inspection of a Stage II system to meet the requirements of 310 CMR 7.24(6)(b)1.c. shall be performed only by a person who is trained to operate and maintain the Stage II system as required by the terms and conditions of the system's currently applicable Executive Order. A current record of all persons trained shall be maintained on site or, for tank trucks, at the address from which the tank truck is principally operated, and shall include the following:
 - a. the date training was last received;
 - b. the trainee's printed name; and
 - c. the personal signature of the trainee acknowledging receipt of the training.
3. Any person subject to 310 CMR 7.24(6) shall maintain all Stage II system maintenance records on site, in a centralized location, for the most recent rolling twelve-month period. Such records may be either ~~(a) in hard copy documents or (b)~~ electronic ~~documents~~ format, provided that a hard copy of ~~the any~~ electronic ~~documents~~ records shall be printed on-site immediately upon request. Such maintenance records for tank trucks shall be maintained at the address from which the tank truck is principally operated. Stage II system maintenance records shall include:
 - a. all of the facility's weekly inspection checklists for the prior rolling twelve-month period, identifying:
 - i. the date each weekly visual inspection was performed and the signature of the person who performed the visual inspection;
 - ii. any Stage II system component determined to be incorrectly installed, non-functioning or broken;
 - iii. whether the identified incorrectly installed, non-functioning or broken component was immediately repaired, taken out of service and repaired within 14 days, Isolated, or the facility stopped dispensing motor vehicle fuel and all fuel dispensers were taken out of service;
 - iv. the date the incorrectly installed, non-functioning or broken components identified in iii. above were repaired.
 - b. A copy of compliance testing company test results for all Stage II compliance tests during the prior rolling twelve-month period.
 - c. A copy of the Stage II system's most recent Annual In-Use Compliance Certification.
4. All records maintained pursuant to 310 CMR 7.24(6)(b)2. and 3. shall be made available to the Department or ~~the US~~ EPA immediately upon request. In the event requested records cannot be made immediately available, requested records shall be delivered to the Department or ~~the US~~ EPA, as applicable, within ~~24~~ 48 hours of the initial request.

(c) Compliance Testing and Certification Requirements.

1. Stage II system testing, record keeping and certification as a result of ~~R~~ routine ~~M~~ maintenance or ~~M~~ minor ~~M~~ modification of a Stage II system.

- a. In the event of ~~R~~outine ~~M~~aintenance, a record of such maintenance shall be maintained in accordance with 310 CMR 7.24(6)(b)3. Compliance testing and submittal of a compliance certification to the Department is not required.
 - b. In the event of a ~~M~~inor ~~M~~odification of a Stage II system, applicable compliance tests shall be performed and passed prior to commencing system operation and a record of such modification and test results shall be maintained in accordance with 310 CMR 7.24(6)(b)3. Submittal of a compliance certification to the Department is not required.
- 2. Installation/Substantial Modification Certification. Any person subject to 310 CMR 7.24(6) who installs or makes a ~~S~~ubstantial ~~M~~odification to a Stage II system ~~after March 1, 2009~~; shall, prior to commencing operation, perform and pass all applicable compliance tests pursuant to 310 CMR 7.24(6)(d). and submit to the Department within 7 days of performing and passing said tests, a fully completed and signed Installation/Substantial Modification Certification, on a form obtained from the Department, attesting to the following:
 - a. the installed or substantially modified Stage II system is installed or substantially modified in compliance with 310 CMR 7.24(6)(a);
 - b. all applicable compliance tests as required by 310 CMR 7.24(6)(d) were performed and passed; and
 - c. the applicable installation compliance tests were performed and passed not more than 30 days prior to the ~~date postmarked on the envelope used to~~ submittal of the Certification to the Department.
- 3. Annual In-Use Compliance Certification. Except as provided in 310 CMR 7.24(6)(c)4., any person subject to 310 CMR 7.24(6) shall annually submit to the Department a fully completed and signed Annual In-Use Compliance Certification, on a form obtained from the Department, attesting to the following:
 - a. the installed Stage II system is operated and maintained as required by 310 CMR 7.24(6)(b);
 - b. the following in-use compliance tests, as applicable, were performed as required by 310 CMR 7.24(6)(d):
 - i. Vapor balance systems.
 - A. Annual in-use compliance tests: Pressure Decay Test; Vapor-Tie Test; P/V Vent Test.
 - ~~A.~~B. Every-third-year in-use compliance test: Dynamic Pressure/Liquid Blockage Test.
 - ii. Vacuum assist systems.
 - A. Annual in-use compliance tests: Pressure Decay Test; Vapor-Tie Test; P/V Vent Test; and Air-to-Liquid Ratio Test.
 - ~~A.~~B. Every-third-year in-use compliance test: Dynamic Pressure/Liquid Blockage Test.
 - iii. Healy systems.
 - A. All applicable tests shall be performed annually.
 - c. The applicable in-use compliance tests were performed and passed not more than 30 days prior to the ~~date postmarked on the envelope used to~~ submittal of the Certification to the Department.

4. Alternative Annual In-Use Compliance Certification. Any person subject to 310 CMR 7.24(6) who submits two consecutive years of Annual In-Use Compliance Certifications in compliance with 310 CMR 7.24(6)(c)3. in which all applicable in-use compliance tests were passed on the first try, as certified pursuant to 310 CMR 7.24(6)(g)8., may elect to submit annually to the Department an Alternative Annual In-Use Compliance Certification on a form obtained from the Department:
 - a. Facilities meeting the requirements of 310 CMR 7.24(6)(c)4. and electing to submit an Alternative Annual In-Use Compliance Certification shall be:
 - i. exempt from annual Stage II compliance testing requirements in the year following the submittal of two consecutive years' of Annual In-Use Compliance Certifications in compliance with 310 CMR 7.24(6)(c)4.; and
 - ii. subject to all applicable Stage II compliance tests as referenced in 310 CMR 7.24(6)(d) in the second year following the submittal of two consecutive years' Annual In-Use Compliance Certifications in compliance with 310 CMR 7.24(6)(c)3., and every other year thereafter.
 - b. Any person submitting an Alternative Annual In-Use Compliance Certification to the Department shall fully complete and sign said Certification and attest to the following:
 - i. the installed Stage II system is correctly operated and maintained as required by 310 CMR 7.24(6)(b);
 - ii. all applicable compliance tests were performed and passed as required by 310 CMR 7.24(6)(c)4.a.ii., and
 - iii. The applicable compliance tests were performed and were passed not more than 30 days prior to the date postmarked on the envelope used to submit the Certification to the Department.
 - c. Any person submitting an Alternative Annual In-Use Compliance Certification and fails one or more compliance certification tests on the first try as required by 310 CMR 7.24(6)(c)4. shall be required, in subsequent years, to annually certify in compliance with the requirements of 310 CMR 7.24(6)(c) 3., until such time as said person meets the requirements in 310 CMR 7.24(6)(c)4.
5. Annual In-Use Compliance Certification Submittal Requirements. The annual submittal date for Certifications required pursuant to 310 CMR 7.24(6)(c) 3. and 4., is no later than:
 - a. For persons subject to 310 CMR 7.24(6) who install or make a Substantial Modification to a Stage II system on or after January 1, 2001, the anniversary of the ~~date postmarked on the envelope used to submit~~ to the Department of the Installation Compliance Certification required by 310 CMR 7.24(6)(c) 1. or the date the facility commenced operation, whichever occurs first; and
 - b. For all other persons subject to 310 CMR 7.24(6), May 1, 2002, or a date otherwise provided by the Department, whichever is earlier. Persons subject to 310 CMR 7.24(6)(c) 5.b. who are provided an annual submittal date by the Department shall be notified by the Department of their first annual

- submittal date and required in-use compliance tests pursuant to 310 CMR 7.24(6)(c) 3.b. no less than 90 days prior to the first annual submittal date established by the Department.
- c. Upon request of any person subject to 310 CMR 7.24(6), the Department may revise said person's annual Certification submittal date. Such revision shall set a revised annual submittal date that is no more than 12 months after the otherwise applicable submittal date.
6. Any person who owns, leases, operates or controls a Stage II system that fails one or more in-use compliance tests required by 310 CMR 7.24(6)(c) 3. or 4., shall immediately:
- a. either: (1) repair or replace an incorrectly installed, non-functioning or broken component as required by the terms and conditions of the Stage II system's currently applicable Executive Order; or (2) decommission the Stage II system in accordance with 310 CMR 7.24(6)(l);
 - b. if such person does not elect to decommission the Stage II system, then such person shall also re-test and pass each failed test; and
 - c. submit to the Department the required Annual In-Use Compliance Certification on or before the facility's Annual In-Use Compliance Certification submittal date or within 30 days of the date of the Stage II system's first passing test result as required by 310 CMR 7.24(6)(c) 3.c. or 310 CMR 7.24(6)(c) 4.c., as applicable, whichever occurs first.
7. If a facility fails one or more required in-use compliance tests and the incorrectly installed, non-functioning or broken components cannot be repaired as required by 310 CMR 7.24(6)(c) 7., the ~~facility owner/operator~~ person who owns, leases, operates or controls the Stage II system at such facility shall immediately:
- a. either: (1) iisolate the incorrectly installed, non-functioning or broken components from the Stage II system so that the remainder of the Stage II system operates as required by the terms and conditions of the system's currently applicable Executive Order; ~~and~~ (2) decommission the Stage II system in accordance with 310 CMR 7.24(6)(l).
 - b. if such person does not elect to decommission the Stage II system, then the person who owns, leases, operates or controls the Stage II system shall also submit to the Department the required Annual In-Use Compliance Certification based on passing test results for the remainder of the Stage II system on or before the facility's Annual In-Use Compliance Certification submittal date or within 30 days of the date of the Stage II system's first passing test result as required by 310 CMR 7.24(6)(c) 3.c. or 310 CMR 7.24(6)(c) 4.c., as applicable, which ever occurs first.
 - c. Any Stage II system component ~~i~~isolated from the remainder of the Stage II System shall remain Isolated until such time as:
 - i. said component is repaired as required by the terms and conditions of the Stage II System's currently applicable Executive Order; and
 - ii. all applicable, compliance testing, record keeping and certification requirements for the Routine Maintenance, Minor Modification, or Substantial Modification of a Stage II system are complied with.

8. If a facility fails one or more required in-use compliance test and the incorrectly installed, non-functioning or broken Stage II system component cannot be repaired as required by 310 CMR 7.24(6)(c) 6. or 7., the ~~facility owner/operator~~ person who owns, operators, leases or controls such Stage II system at such facility shall immediately stop dispensing motor vehicle fuel and conspicuously post "Out of Service" signs on all motor vehicle fuel dispensers until such time as:
 - a. all incorrectly installed, non-functioning or broken components are repaired as required by the terms and conditions of the Stage II system's currently applicable Executive Order;
 - b. all applicable in-use compliance tests are performed and passed as required by 310 CMR 7.24(6)(c) 3. or 4., as applicable; and
 - c. a fully completed Annual In-Use Compliance Certification has been submitted to the Department as required by 310 CMR 7.24(6)(c) 3.
 - d. If a facility fails one or more required in-use compliance tests and is subject to 310 CMR 7.24(6)(c) 8., for purposes of compliance with the Annual In-Use Compliance Certification submittal requirements of 310 CMR 7.24(6)(c) 3. or 4., ~~said facility owner/operator~~ the person who owns, operates, leases or controls the Stage II system shall submit to the Department a fully completed and signed Stage II System Closure Notification as required by 310 CMR 7.24(6)(e) ~~23~~, on or before said facility's currently applicable Annual In-Use Compliance Certification submittal due date.
9. Any Certification submitted to the Department as required by 310 CMR 7.24(6)(c) shall be signed by a Stage II System Responsible Official as required by 310 CMR 7.24(6)(f).
10. Any person subject to 310 CMR 7.24(6), upon written notice from the Department, shall perform such compliance tests as the Department determines necessary to demonstrate the Stage II system is installed and maintained as required by the terms and conditions of the system's currently applicable Executive Order and shall submit the results to the Department within 14 days of the performance of said tests.
11. Receipt of submittals by the Department shall be as follows:-
 - a. If hand-delivered, the receipt date is the date of the receipt stamp;
 - b. If mailed, the receipt date is the date of the postmark on the envelope used to submit the document to the Department; or
 - c. If electronically submitted, the receipt date is the date the electronic submission is sent to the Department.

(d) Stage II System Compliance Testing Requirements.

For the purposes of 310 CMR 7.24(6)(c), the following Stage II System compliance tests and requirements shall be required:

1. Vapor Balance systems.
Pressure Decay Test, Vapor-Tie Test, P/V Vent Test and Dynamic Pressure/Liquid Blockage Test
2. Vacuum Assist systems.
Pressure Decay Test, Vapor-Tie Test, P/V Vent Test, Air-to-Liquid Ratio Test and Dynamic Pressure/ Liquid Blockage Test
3. Healy systems.

- a. Healy 400 ORVR (Executive Order # G-70-186), Healy 400 ORVR Above Ground Storage System (Executive Order # G-70-187) and Franzen-Hill Cargo Tank Truck System (Executive Order # G-70-193):
 - i. Pressure Decay Test;
 - ii. Vapor Tie Test;
 - iii. P/V Vent Test;
 - iv. Exhibit 4: Vapor Return Line Vacuum Integrity Test; and
 - v. Exhibit 5: Fillneck Vapor Pressure Regulation Fueling Test.
 - b. Healy 600 (Executive Order # G-70-165):
 - i. Pressure Decay Test;
 - ii. Vapor Tie Test;
 - iii. P/V Vent Test;
 - iv. Air-to-Liquid Ratio Test; and
 - v. Exhibit 4: Vapor Return Line Vacuum Integrity Test.
 - 4. Compliance tests performed to meet the requirements of 310 CMR 7.24(6)(c) shall be performed only by a person or Stage II compliance testing company that has submitted to the Department a Stage II Compliance Testing Company Notification as required by 310 CMR 7.24(6)(g) 1.
- (e) Notification Requirements.
 - 1. Any person, upon entering into a purchase, lease or other contractual agreement by which said person becomes the owner, operator, lessee or controller of an existing motor vehicle fuel dispensing facility or tank truck subject to 310 CMR 7.24(6) shall submit to the Department, within 30 days of the effective date of becoming such an owner, operator, lessee or controller or within 10 days of a written request from the Department, a fully completed New Stage II System Owner, Operator, Lessee or Controller Notification on a form obtained from the Department.
 - a. Said Notification shall include the following:
 - i. the name of the new Stage II system owner, operator, lessee or controller and related business documentation, including the name and address of the facility where the Stage II system is located or from which the tank truck is principally operated; and
 - ii. the effective date said person became the new owner, operator, lessee or controller.
 - b. Said Notification shall be signed by the individual who is a Responsible Official for the new owner, operator, lessee or controller regarding the Stage II system, who shall attest to the following:
 - i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;
 - ii. I am fully authorized to make this attestation on behalf of this facility or tank truck, as applicable.

2. Any person subject to 310 CMR 7.24(6), upon entering into a sale, lease or other contractual agreement by which said person relinquishes his or her authority as an owner, operator, lessee or controller of a facility or tank truck subject to 310 CMR 7.24(6), shall submit to the Department, within 30 days of the effective date of said sale, lease or other contractual agreement, a signed letter notifying the Department of the following:
 - a. the name of the person relinquishing his or her authority as an owner, operator, lessee or controller of the facility or tank truck subject to 310 CMR 7.24(6), the facility name, DEP Facility Account Number and address or the address from which the tank truck is principally operated, as applicable;
 - b. the name of the new owner, operator, lessee or controller of the facility or tank truck subject to 310 CMR 7.24(6) and related business information, including the new facility name and address or the address from which the tank truck is principally operated, as applicable; and
 - c. the effective date of the change of owner, operator, lessee or controller.
3. Any person subject to the requirements of 310 CMR 7.24(6) seeking to permanently or temporarily take out-of-service ~~use an existing~~ motor vehicle fuel dispensing facility or tank truck shall submit to the Department a fully completed and signed Stage II System Closure Notification, on a form obtained from the Department.
 - a. Said Notification shall include the following:
 - i. the name of the Stage II facility owner, operator, lessee or controller and related business information, including the name and address of the facility where the Stage II system was located or from which the tank truck was principally operated, as applicable;
 - ii. the DEP Facility Account Number for the applicable facility or tank truck; and
 - iii. the date the Stage II system was permanently or temporarily taken out-of-service, and attached, as applicable, current:
 - A. underground storage tank Registration Notification indicating that the status of the tank is Temporarily Out-of-Service;
 - B. underground storage tank Notification indicating the that status of the tank is closed (Removed or Closed In-Place); or
 - C. local permit documenting Temporarily Out-of Service Status or closure/removal.
 - ~~iii. a copy of the Notification For Removal or Closure of In Place Underground Storage Tanks Regulated Under 527 CMR 9.00 (FP-290R) Form, documenting the permanent or temporary out of use status of said facility or tank truck on record with the Massachusetts Department of Fire Safety.~~
 - ~~b. The temporary out of use status of a motor vehicle fuel dispensing system shall be renewed as necessary by any person subject to the requirements of 310 CMR 7.24(6) by submitting a new, fully completed Stage II System Closure Notification, on or before the annual anniversary of the effective date said dispensing system was taken out of use, as noted in the required FP 290R Form. Said renewal shall include a current FP 290R Form for said dispensing system on record with the Massachusetts Department of~~

~~Fire Safety documenting the system's continued temporary out-of-use status:~~

- eb. Any person subject to the requirements of 310 CMR 7.24(6) who temporarily takes out ~~of use~~service a motor vehicle fuel dispensing system or tank truck shall, prior to commencing the distribution of motor vehicle fuel, perform and pass all applicable compliance tests and submit to the Department a fully completed Installation/Substantial Modification Certification as required by 310 CMR 7.24(6)(c) 2. or decommission the Stage II system in accordance with 310 CMR 7.24(6)(l).
- c. A Stage II system shall not be temporarily out-of-service for more than two years.
- d. Any person subject to the requirements of 310 CMR 7.24(6), where the motor vehicle fuel dispensing facility is permanently ~~taken out of use~~closed, shall no longer be subject to 310 CMR 7.24(6) as of the effective date the facility was permanently ~~taken out of use~~closed as referenced in the required ~~FP-290R Form~~applicable underground storage tank Notification indicating that the status of the tank is closed (Removed or Closed In-Place) or local permit for aboveground storage tank documenting closure/removal.
- 4. Any Notification submitted to the Department as required by 310 CMR 7.24(6)(e) shall be signed by a Stage II System Responsible Official as required by 310 CMR 7.24(6)(f).

(f) Stage II System Responsible Official Certification of Compliance.

- 1. Except in circumstances described in 310 CMR 7.24(6)(f) 2., any Certification or Notification required by 310 CMR 7.24(6)(c) or (e) shall be signed by an individual who is a Responsible Official regarding Stage II system compliance.
- 2. For Stage II systems owned by one party and leased, operated or controlled by another independent party and where both parties have separate Stage II compliance responsibilities, any Certification or Notification submitted in compliance with the requirements of 310 CMR 7.24(6)(c) or (e) shall be signed by Responsible Officials for each party regarding Stage II system compliance. Each Stage II System Responsible Official shall attest to the following:
 - i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;
 - ii. that systems to maintain compliance are in place at the facility or, if applicable, at the location from which the tank truck is principally operated and will be maintained for the coming year even if the processes or operating procedures are changed over the course of the year; and
 - iii. I am fully authorized to make this attestation on behalf of this facility or tank truck, as applicable.
- 3. Any person immediately responsible for obtaining information referenced in 310 CMR 7.24(6)(f), who knowingly and willfully makes false, inaccurate, incomplete or misleading statements pursuant to any Certification or Notification required under

310 CMR 7.24(6), may be in violation of 310 CMR 7.24(6). Notwithstanding the previous sentence, any person subject to the requirements of 310 CMR 7.24(6), shall comply with all applicable provisions of 310 CMR 7.24(6).

(g) Compliance Testing Company Requirements.

1. ~~On or after March 1, 2009, a~~ Any person who owns, leases, operates or controls a company that performs Stage II compliance tests to meet the requirements of 310 CMR 7.24(6)(c) shall submit to the Department a fully completed Stage II Compliance Testing Company Notification, on a form obtained from the Department, prior to performing any required Stage II compliance test.
 - a. the Notification shall include the following:
 - i. the name and business mailing address of the Stage II compliance testing company owner, operator, lessee or controller;
 - ii. the name and address of any business that is engaged in the installation or Substantial Modification of Stage II systems and is owned, operated, leased or controlled by, or affiliated with the owner, operator, lessee or controller of the compliance testing company;
 - iii. the name and address of any motor vehicle fuel dispensing facility or tank truck subject to 310 CMR 7.24(6) that is owned, operated, leased or controlled by, or affiliated with the owner, operator, lessee or controller of the compliance testing company;
 - iv. the address and telephone number of the facility(ies) from which the daily compliance testing activities of the compliance testing company originate and at which any records required by 310 CMR 7.24(6)(g) 10. are maintained;
 - v. a written description of the employee training systems in place at the compliance testing company to ensure required compliance tests are performed as required by applicable protocols and procedures, pursuant to 310 CMR 7.24(6)(g)6. and 7; and
 - vi. a list of all Compliance Testing Company Responsible Officials with the authority to sign Compliance Testing Company Certifications on behalf of the compliance testing company.
 - b. Each Notification shall be signed by an individual who is a Responsible Official regarding the compliance testing company, who shall attest to the following:
 - i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;
 - ii. Employee training systems are in place at the company to ensure Stage II compliance tests are performed as required by all applicable protocols and procedures and such training systems will be

- maintained for the coming year even if the protocols and procedures are changed over the course of the year; and
- iii. I am fully authorized to make this attestation on behalf of this Stage II Compliance Testing Company.
2. Any person subject to the requirements of 310 CMR 7.24(6)(g) shall notify the Department in writing of any change to the information submitted to the Department pursuant to 310 CMR 7.24(6)(g) 1. within 14 days of the effective date of such change. Upon the Department's written request, the person shall submit a fully revised and completed Notification to the Department as required by the requirements of 310 CMR 7.24(6)(g) 1.
 3. No person subject to 310 CMR 7.24(6)(g) shall perform any Stage II compliance test unless said person has first been trained in accordance with the applicable compliance test protocols and procedures required by 310 CMR 7.24(6)(g) 6. and 7.
 4. Any person subject to the requirements of 310 CMR 7.24(6)(g) shall submit, at least once every two weeks, a written list to the Department identifying all motor vehicle fuel dispensing facilities and tank trucks at which the company is scheduled to perform required Stage II compliance test(s) over the next 14 day period.
 - a. The list shall be organized by Department region and date, and shall include the name and address of each facility or tank truck to be tested, the applicable section under 310 CMR 7.24(6)(c) 2., 3., or 4., the required compliance tests to be performed, and the estimated time that the company expects to arrive at the facility location.
 - b. The Department shall be notified, in writing, of any change of date of an individual facility's scheduled compliance tests no later than 9 a.m. of the day the scheduled test(s) is to occur. Additions to a submitted compliance-testing schedule shall be submitted to the Department, in writing, no less than two working days prior to the date of any scheduled test.
 - c. Failure to comply with the Notification requirements of 310 CMR 7.24(6)(g) 4. may be a basis for the Department to determine that tests conducted after inadequate notice are invalid.
 5. Any person subject to the requirements of 310 CMR 7.24(6)(g) shall immediately notify the Department of any failed Stage II compliance tests performed as required by 310 CMR 7.24(6)(c) if said person did not return to retest the Stage II system as required by 310 CMR 7.24(6)(c) 6. or 7. on or before the facility's Annual In-Use Compliance Certification submittal date, or within 30 days of the date of the Stage II system's first passing test result, which ever occurs first. Said person shall notify the Department regarding the name and address of the facility, and the facility's Facility Account Number.
 6. Any person subject to 310 CMR 7.24(6)(g) shall perform compliance tests to meet the requirements of 310 CMR 7.24(6)(c) only upon confirmation that:
 - a. all above ground Stage II system components including, but not limited to: dispensers; nozzles; swivels; hose retractors; hoses; breakaways; vapor check valves; and the pressure/vacuum valve(s) are installed as required and are the correct components as required by the terms and conditions of the system's currently applicable Executive Order; and

- b. all motor vehicle fuel dispensing facilities with two or more motor vehicle fuel storage tanks are properly manifolded as required by the terms and conditions of the system's currently applicable Executive Order.
- 7. Any person subject to 310 CMR 7.24(6)(g), shall perform Stage II compliance tests to meet the requirements of 310 CMR 7.24(6) only in accordance with the applicable test procedures cited below:
 - a. Pressure Decay Test (Bay Area Air Pollution Control District Source Test Procedure ST-30 (2/6/1991)) and Table A. Minimum Allowable Pressure.

Table A. MINIMUM ALLOWABLE PRESSURE (Based on an initial pressure of 10.0" wc.)			
Ullage (Gal)	Minimum Allowable Pressure ("wc)	Ullage (Gal)	Minimum Allowable Pressure ("wc)
500	3.70	6,000	9.38
600	4.50	7,000	9.46
700	5.20	7,500	9.50
800	5.80	8,000	9.52
900	6.20	9,000	9.56
1,000	6.50	10,000	9.60
1,250	7.05	11,000	9.62
1,750	7.90	12,000	9.64
2,000	8.20	13,000	9.66
2,250	8.35	14,000	9.68
2,500	8.50	15,000	9.70
2,750	8.60	16,000	9.71
3,000	8.70	17,000	9.71
3,250	8.80	18,000	9.72
3,500	8.90	19,000	9.73
3,750	9.00	20,000	9.73
4,000	9.10	21,000	9.74
4,250	9.15	22,000	9.75
4,500	9.20	23,000	9.75
4,750	9.25	24,000	9.76
5,000	9.30	25,000	9.77
		30,000	9.80

Note: For a valid test, total ullage must be at least 500 gallons but no more than 30,000 gallons.

- b. Underground Piping Check (Vapor Tie) Test (San Diego County Air Pollution Control District Test Procedure TP-96-1, Section 5.1.9).
- c. Pressure/Vacuum Vent Test (Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, CARB TP-201.1E) P/V relief vents shall be tested to be within .29oz/in² or 0.5 inches of water column of the designed pressure and within 1.2oz/in² or 2.0 inches of water column of the vacuum settings.
- d. Air-to-Liquid Volume Ratio Test (CARB TP-201.5).
- e. Dynamic Pressure/Liquid Blockage Test (CARB TP-201.4).
- f. Healy 400 ORVR (Executive Order # G-70-186), Healy 400 ORVR Above Ground Storage System (Executive Order # G-70-187) and Franzen-Hill Cargo Tank Truck System (Executive Order # G-70-193).

Exhibit 4: Vapor Return Line Vacuum Integrity Test.
Exhibit 5: Fillneck Vapor Pressure Regulation Fueling Test.
Healy 600 (Executive Order # G-70-165).
Exhibit 4: Vapor Return Line Vacuum Integrity Test.

8. Any person subject to 310 CMR 7.24(6)(g) shall certify to the Department that each compliance test performed to meet the requirements of 310 CMR 7.24(6)(c) was performed as required by 310 CMR 7.24(6)(g) 6. and 7. As applicable, the Certification shall be submitted on a Stage II Installation/Substantial Modification Certification or Annual In-Use Compliance Certification and shall include:
 - a. the date each compliance test was first performed and the result; ~~and~~
 - b. the date each compliance test was performed and passed;
 - c. a notation whether, (i) the entire installed Stage II system was tested and passed all applicable compliance tests or (ii) incorrectly installed, non-functioning or broken components were isolated from the remainder of the installed Stage II system and the remainder of Stage II system was tested and passed all applicable compliance tests; ~~and~~
 - d. If the remainder of the Stage II system was tested and passed all applicable compliance tests, as noted in 310 CMR 7.24(6)(g) 8.c., identify all components isolated from the remainder of the Stage II system.
9. Each Certification submitted pursuant to 310 CMR 7.24(6)(g) 8. shall be fully completed and signed by a Compliance Testing Company Responsible Official, who shall attest to the following:
 - a. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and
 - b. I am fully authorized to make this attestation on behalf of this Stage II Compliance Testing Company.
10. Any person subject to 310 CMR 7.24(6)(g) shall maintain the following records on site, for a minimum of five years, at the location(s) referenced on the form submitted pursuant to 310 CMR 7.24(6)(g) 1.a.iv:
 - a. A complete set of records of compliance tests performed to meet the requirements of 310 CMR 7.24(6)(c). Such records shall include, by facility address:
 - i. the date and first result for each required test performed;
 - ii. the date each test was performed and passed; and
 - iii. an itemized list of all Stage II system components re-installed, repaired or replaced as necessary for the system to pass the applicable test(s).
 - b. A current record of all persons or employees trained as required by 310 CMR 7.24(6)(g)3. Such record shall include the following: i. the date training was received; ii. the person or employee's printed name; and iii. the personal signature of the person or employee acknowledging receipt of required training.

11. All records maintained pursuant to 310 CMR 7.24(6)(g) 10. shall be made available to the Department or the US EPA immediately upon the request of either.
- (h) Violations of 310 CMR 7.24(6). For any person subject to 310 CMR 7.24(6) it shall be a violation of 310 CMR 7.24(6) to:
1. fail to submit any Certification or Notification required by to 310 CMR 7.24(6) as applicable;
 2. make any false, inaccurate, incomplete or misleading statements in any Certification or Notification required by to 310 CMR 7.24(6);
 3. make any false, inaccurate, incomplete or misleading statements in any record, report, plan, file, log or register which said person is required to keep pursuant to 310 CMR 7.24(6);
 4. hold themselves out as a responsible official in violation of the applicable requirements of to 310 CMR 7.24(6);
 5. fail to comply with any applicable standards imposed under 310 CMR 7.24(6); or
 6. violate any other provision of 310 CMR 7.24(6).
- (i) Department Adopted CARB Stage II System Executive Orders.

Number	Description
G-70-7-AD	Certification of the Hasstech Model VCP-2 and VCP 2A Phase II Vapor Recovery System.
G-70-14-AA	Recertification of Red Jacket Aspirator Assist Phase II Vapor Recovery System.
G-70-17-AD	Modification of Certification of the Emco Wheaton Balance Phase II Vapor Recovery System.
G-70-18-C	Modification of Certification of the Shell Model 75B1 and 75B1-R3 Service Station Phase II Vapor Recovery System.
G-70-23-AC	Recertification of the Exxon Balance Phase II Vapor Recovery System.
G-70-25-AA	Recertification of the Atlantic Richfield Balance Phase II Vapor Recovery System.
G-70-33-AB	Certification of the Modified Hirt VCS-200 Vacuum Assist Phase II Vapor Recovery System.
G-70-36-AD	Modification of Certification of the OPW Balance Phase II Vapor Recovery System.
G-70-37-B	Modification of the Certification of the Chevron Balance Phase II Vapor Recovery System with OPW nozzles for Service.
G-70-38-AB	Recertification of the Texaco Balance Phase II Vapor Recovery System.
G-70-48-AA	Recertification of the Mobil Oil Balance Phase II Vapor Recovery System.
G-70-49-AA	Recertification of the Union Balance Phase II Vapor Recovery System.
G-70-52-AM	Certification of Components for Red Jacket, Hirt and Balance Phase II Vapor Recovery System.
G-70-53-AA	Recertification of the Chevron Balance Phase II Vapor Recovery System.
G-70-77	Certification of the OPW Repair/Replacement Parts and Modification of the Certification of the OPW Balance Phase II Vapor Recovery System.
G-70-78	Certification of the E-Z Flo Nozzle Company Rebuilt Vapor Recovery Nozzles and Vapor Recovery Components.
G-70-101-B	Certification of the E-Z Flo Model 3006 and 3007 Vapor Recovery Nozzles and Use of E-Z Flo Components with OPW Models 11VC and 11 VE Vapor Recovery Nozzles.
G-70-107	Certification of Rainbow Petroleum Products Model RA3003, RA3005, RA3006 and

	RA3007 Vapor Recovery Nozzles and Vapor Recovery Components.
G-70-110	Certification of Stage I and II Vapor Recovery Systems for Methanol Fueling Facilities.
G-70-118-AB	Certification of Amoco V-1 Vapor Recovery System.
G-70-125-AA	Modification of the Certification of the Husky Model V Phase II Balance Vapor Recovery Nozzle.
G-70-127	Certification of the OPW Model 111-V Phase Vapor Recovery Nozzle.
G-70-134	Certification of the EZ Flo Rebuilt A-4000 Series and 11V-Series Vapor Recovery System.
G-70-139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System.
G-70-150-AE	Modification of the Certification of the Gilbarco VaporVac Phase II Vapor Recovery System.
G-70-153-AD	Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System.
G-70-154-AA	Modification to the Certification of the Tokheim MaxVac Phase II Vapor Recovery System.
G-70-159-AB	Modification of the Certification of the Saber Nozzle for Use with the Gilbarco VaporVac Phase II Vapor Recovery System.
G-70-163-AA	Certification of the OPW VaporEZ Phase II Vapor Recovery System.
G-70-164-AA	Modification to the Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System.
G-70-165	Healy Vacuum Assist Phase II Vapor Recovery System.
G-70-169-AA	Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System.
G-70-170	Certification of the EZ-flo Rebuilt 5005 and 5015 for use with the Balance Phase II Vapor Recovery System.
G-70-177-AA	Certification of the VCS400-7 Vacuum Assist Phase II Vapor Recovery System.
G-70-179	Certification of the Catlow ICVN-V1 Vacuum Assist Phase II Vapor Recovery System.
G-70-180	Order Revoking Certification of the Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Systems.
G-70-183-AA	Certification of the Healy/Franklin Vacuum Assist Phase II Vapor Recovery System.
G-70-186	Certification of the Healy Model 400 ORVR Vapor Recovery System.
G-70-188	Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System.
G-70-191 AA	Healy/Franklin VP-1000 Vapor Pump Phase II Vapor Recovery System(Healy ORVR Phase II Vapor Recovery System).
G-70-196	Certification of the Saber Technologies, LLC SaberVac VR Phase II Vapor Recovery System
G-70-199-AJ	Certification of the Gasoline Dispensing Nozzles to the Liquid Retention of 350 milliliters per 1,000 Gallons Dispensed.
VR-201-A	Healy System Inc. Phase II Enhanced Vapor Recovery (EVR) System Not Including ISD
EVR-202-A	Healy Phase II Enhanced Vapor Recovery System Including Veeder-Root ISD System
G-70-204-A	Certification of the Gilbarco VaporVac/OPW Vaporsaver ORVR-Compatible System

- (j) Department Adopted CARB Stage II System Executive Orders for Above Ground Storage Tank Vapor Recovery Systems.

Number	Description
G-70-102-A	Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels
G-70-116-F	ConVault Aboveground Tank Vapor Recovery System
G-70-128	Bryant Fuel Cell Aboveground Tank Vapor Recovery System
G-70-130A	Petrovault Aboveground Tank Vapor Recovery System
G-70-131A	Tank Vault Aboveground Tank Vapor Recovery System
G-70-132-A	Supervault Aboveground Tank Vapor Recovery System
G-70-132-B	Supervault Aboveground Tank Vapor Recovery System
G-70-136	FireSafe Aboveground Tank Vapor Recovery System
G-70-137	FuelSafe Aboveground Tank Vapor Recovery System
G-70-138	Phase II Vapor Recovery Systems Installed on Gasoline Bulk Plants/Dispensing Facilities with Aboveground Tanks
G-70-139	Addition to the Certification of the Hirt Model VCS-200 Phase II Vapor Recovery System
G-70-140-A	Integral Phase I and Phase II Aboveground Tank Configurations with the Healy Phase II Vapor Recovery System
G-70-142-B	Phase I Vapor Recovery System for Aboveground Gasoline Storage Tanks
G-70-143	P/T Vault Aboveground Tank Vapor Recovery System
G-70-147-A	New United Motors Manufacturing, Incorporated Phase II Vapor Recovery System at the Fremont, California Assembly Plant
G-70-148-A	Lube Cube Aboveground Tank Vapor Recovery System
G-70-152	Moiser Brothers Tanks and Manufacturing Aboveground Tank Vapor Recovery System
G-70-155	Petroleum Marketing Aboveground Tank Vapor Recovery System
G-70-156	Ecovault Aboveground Tank Vacuum Assist Vapor Recovery System
G-70-157	Ecovault Aboveground Tank Balance Vapor Recovery System
G-70-158-A	Firesafe Aboveground Tank Vapor Recovery System
G-70-160	Above Ground Tank Vault Vapor Recovery System
G-70-161	Hoover Containment Systems, Incorporated Fuelmaster Aboveground Tank Vapor Recovery System
G-70-162-A	Steel Tank Institute Fireguard Aboveground Tank Vapor Recovery System
G-70-167	EnviroVault Aboveground Tank Vapor Recovery System
G-70-168	Bryant Fuel Systems Phase I Vapor Recovery System
G-70-175	Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System for Aboveground Tank Systems
G-70-181	Hirt VCS400-7 Bootless Nozzle Phase II Vapor Recovery System for Aboveground Storage Tank Systems
G-70-187	Healy Model 400 ORVR Vapor Recovery System for Aboveground Tank Systems

G-70-190	Guardian Containment, Corporation Armor Cast Aboveground Tank Vapor Recovery System
G-70-192	Certification of the Healy Model 400 ORVR Nozzle for Existing Aboveground Storage Tank Systems
G-70-193	Certification of the Hill-Vac Vapor Recovery System for Cargo Tank Motor Vehicle Fueling Systems
G-70-194	Containment Solutions Hoover Vault Aboveground Tank Vapor Recovery System
G-70-195	Cretex Companies, Inc FuelVault Aboveground Tank Vapor Recovery System
G-70-197	Synchrotek Fastflo 3 Phase II Vapor Recovery System
G-70-200	Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Buried Vapor Return Piping
G-70-201	Oldcastle Aboveground Below-Grade Fuel Vault with Balance Vapor Recovery System and Trenched Vapor Return Piping
G-70-202	Oldcastle Aboveground Below-Grade Fuel Vault with Gilbarco VaporVac Phase II Recovery System and Trenched Vapor Return Piping

- (k) The provisions and requirements of 310 CMR 7.24(6)(a) and (b) are subject to the enforcement provisions specified in 310 CMR 7.52.

(l) Decommissioning.

1. Any person subject to 7.24(6) shall decommission an installed Stage II Vapor Recovery System only in accordance with the following requirements:
 - a. Decommissioning will be done in accordance with the PEI Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle-Fueling Sites, PEI/RP300-09, Section 14, Decommissioning Stage II Vapor Recovery Piping; and
 - b. If not already installed, a California Air Resources Board Enhanced Vapor Recovery (CARB EVR) Pressure Vacuum Vent Valve and CARB EVR rotatable product and vapor adaptors as described in the CARB Executive Orders listed in 310 CMR 7.24(6)(l)1.b. Table 1. and 310 CMR 7.24(6)(l)1.b. Table 2. shall be installed. Rotatable adaptors shall not be required for aboveground storage tanks and coaxial Stage I systems.

310 CMR 7.24(6)(l)1.b.: Table 1.

CARB Underground Storage Tank Enhanced Vapor Recovery System Executive Orders

<u>Executive Order Number</u>	<u>Description</u>	<u>Date</u>
<u>VR-101-N</u>	<u>Phil-Tite Phase I Vapor Recovery System.</u>	<u>June 8, 2013</u>
<u>VR-102-N</u>	<u>OPW Phase I Vapor Recovery System.</u>	<u>January 25, 2014</u>
<u>VR-103-G</u>	<u>EBW Phase I Vapor Recovery System.</u>	<u>June 3, 2013</u>
<u>VR-104-G</u>	<u>CNI Manufacturing Phase I Vapor Recovery System.</u>	<u>June 8, 2013</u>

310 CMR 7.24(6)(I)1.b.: Table 2.

CARB Aboveground Storage Tank Enhanced Vapor Recovery System Executive Orders

<u>Executive Order Number</u>	<u>Description</u>	<u>Date</u>
<u>VR-301-E</u>	<u>Standing Loss Control of Vapor Recovery Systems for Existing Installations of Aboveground Storage Tanks</u>	<u>April 30, 2013</u>
<u>VR-302-E</u>	<u>Standing Loss Control of Vapor Recovery Systems for New Installations of Aboveground Storage Tanks</u>	<u>April 30, 2013</u>
<u>VR-401-C</u>	<u>OPW Enhanced Vapor Recovery (EVR) System for Above Ground Storage Tanks (AST)</u>	<u>June 30, 2013</u>
<u>VR-402-B</u>	<u>Morrison Brothers Phase I Enhanced Vapor Recovery (EVR) System for Above Ground Storage Tanks (AST)</u>	<u>April 15, 2013</u>

2. Prior to re-commencing operations following decommissioning, the following compliance tests, as applicable, shall be performed:
 - a. Pressure Decay 2 inch Test (CARB TP-201.3; March 17, 1999);
 - b. Vapor Tie Test (San Diego APCD TP-96-1, section 5.1.9; March 1, 1996);
 - c. Pressure/Vacuum Vent Valve Test (CARB TP-201.1E; October 8, 2003);
 - d. Static Torque Rotatable Adaptor Test (CARB TP-201.1B; October 8, 2003), if rotatable adaptors are installed; and as applicable, either:
 - e. Leak Rate of Drop Tube/Drain Valve Assembly Test (CARB TP-201.1 C; October 8, 2003); or
 - f. Leak Rate of Drop Tube/ Overfill Prevention Devices (CARB T-201.1D; October 8, 2003).
3. If a facility fails any of the tests cited in 310 CMR 7.24(6)(I)2. above, the failed component shall be replaced with a comparable CARB EVR component.
4. Prior to re-commencing operations following decommissioning, a fully completed and signed Stage II Decommissioning Notification, including a copy of PEI Decommissioning Checklist and passing test results for all applicable compliance tests, shall be submitted to the Department.

Delete 310 CMR 7.24(9) in its entirety:

~~(9) Dispensing of E85 Motor Vehicle Fuel/Ethanol Blends~~

~~(a) Applicability. Any person who owns, leases, operates or controls a Motor Vehicle Fuel Dispensing Facility for the purpose of dispensing E85 motor vehicle fuel/ethanol blends (E85 Dispensing System).~~

~~(b) Fuel Quality. For purposes of compliance with 310 CMR 7.24(9), only ethanol meeting American Society for Testing and Materials (ASTM) Ed75Ed85 Standard Specifications for Fuel Ethanol may be blended with motor vehicle fuel, including reformulated blendstock for oxygenate blending, meeting applicable Federal Reformulated Gasoline requirements (42 U.S.C. §7545(k)). Such blends shall only be blended in accordance with ASTM D5798-99 Standard Specifications for Fuel Ethanol for Automotive Spark Ignition Engines. Hereafter, said motor vehicle fuel and ethanol blend is referred to as E85.~~

~~(c) E85 Dispensing System Requirements.~~ Any person subject to the requirements of 310 CMR 7.24(9) that modifies an existing motor vehicle fuel dispensing system or installs a new motor vehicle fuel dispensing system for the purpose of dispensing E85 shall modify or install said E85 dispensing system in accordance with the following requirements:

- ~~1. All tanks, piping, fittings, and joint fixing materials shall be installed, operated and maintained in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification.~~
- ~~2. All tanks, piping, fittings, and joint fixing materials shall be listed with Underwriters Laboratories, Inc. or certified by the manufacturer to be compatible with E85.~~
- ~~3. All motor vehicle fuel storage tanks shall be equipped with vapor balance return lines, submerged fill pipes, and a pressure vacuum vent valve.~~

~~(d) Maintenance Requirements.~~ Any person subject to the requirements of 310 CMR 7.24(9) shall maintain said E85 dispensing system in accordance with the following requirements:

- ~~1. The E85 dispensing systems and its individual components shall be operated and maintained in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification.~~
- ~~2. Once every seven (7) days, the E85 dispensing system shall be visually inspected to determine if the system and its individual components are unbroken and correctly installed and functioning in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification. Each visual inspection shall include, but not be limited to, inspection of: nozzles; hoses; hose retractors; coaxial adaptors; dry breaks; fill caps and gaskets; vapor recovery caps and gaskets; spill containment boxes; and drain valves.~~

~~Visual inspections shall be performed only by a person who is trained to operate and maintain the E85 dispensing system in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification. A current record of all persons trained shall be maintained on site and include the following: the date training was last received; the trainee's printed name; and the personal signature of the trainee acknowledging receipt of training.~~

- ~~3. Any person subject to 310 CMR 7.24(9), upon obtaining knowledge that an E85 dispensing system component is incorrectly installed, non-functioning or broken, in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification, shall:~~

- ~~a. Immediately repair such component or immediately stop dispensing E85 through such component, conspicuously post "Out of Service" signs on the component, and repair it within 14 days of obtaining knowledge that the component is incorrectly installed, non-functioning or broken.~~
- ~~b. If the requirements of 310 CMR 7.24(9)(d)3.a. can not be met for an incorrectly installed, non-functioning or broken component, said component shall immediately be isolated and "Out of Service" signs conspicuously posted on it until such time as the component is correctly repaired.~~

~~Isolate shall mean, for the purposes of 310 CMR 7.24(9), to take out of service one or more components of an E85 dispensing system so that the remainder of the dispensing system operates in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification.~~

- ~~c. If an incorrectly installed, non-functioning or broken component cannot be repaired or~~

~~isolated in accordance with 310 CMR 7.24(9)(d)3.a. or b., immediately stop dispensing E85 and conspicuously post “Out of Service” signs on all E85 dispensers until such time as all incorrectly installed, non-functioning or broken components are correctly repaired.~~

~~4. Routine maintenance or minor modification of an E85 dispensing system. Applicable compliance testing, record keeping and compliance certification submittals, as a result of routine maintenance or minor modification of an E85 dispensing system, are subject to the requirements of 310 CMR 7.24(9)(e)3.~~

~~(e) Record Keeping. Any person subject to the requirements of 310 CMR 7.24(9) shall comply with the following:~~

~~1. E85 dispensing system maintenance records shall be maintained on site, in a centralized location, for the most recent rolling twelve month period. Such records may be either (a) hard copy documents or (b) electronic documents, provided that a hard copy of the electronic documents shall be printed on site immediately upon request. Such maintenance records shall include:~~

- ~~a. all of the facility’s E85 weekly inspection checklists for the prior rolling twelve month period, identifying:~~
 - ~~i. the date each weekly visual inspection was performed and the signature of the person who performed the visual inspection;~~
 - ~~ii. any component determined to be incorrectly installed, non-functioning or broken;~~
 - ~~iii. whether the component determined to be incorrectly installed, non-functioning or broken component was immediately repaired, taken out of service and repaired within 14 days, isolated, or the facility stopped dispensing E85 and all E85 dispensers were taken out of service until the component was repaired;~~
 - ~~iv. the date incorrectly installed, non-functioning or broken component was repaired.~~
- ~~b. A copy of compliance testing company test results for all compliance tests performed as required by 310 CMR 7.24(9)(f) during the prior rolling twelve month period.~~
- ~~c. A copy of the E85 dispensing system’s currently applicable E85 Compliance Certification.~~

~~2. All E85 dispensing system maintenance records shall be made available to the Department and/or the US EPA immediately upon request. In the event requested records cannot be made immediately available, requested records shall be delivered to the Department and/or the US EPA, as applicable, within 24 hours of the initial request.~~

~~3. Compliance testing, record keeping and submittal of compliance certifications as a result of routine maintenance or minor modification of an E85 dispensing system:~~

~~a. In the event of routine maintenance of an E85 dispensing system, a record of such maintenance shall be maintained on site as required by 310 CMR 7.24(9)(e) 1. — 2.. Compliance testing and submittal of a compliance certification to the Department is not required.~~

~~Routine Maintenance shall mean, for the purposes of 310 CMR 7.24(9), the regular re-installation, repair or replacement of one or more E85 dispensing system components including, but not limited to: hoses; nozzles; breakaways; swivels; hose retractors; bucket plow rings; “slip-on” spill or dry break buckets; “O” rings and seals; submersible pumps or suction pipes; fill adaptors; fill tubes; vapor adaptors; fill and vapor caps; drain valves; monitor caps; or riser caps.~~

~~b. In the event of a minor modification of an E85 dispensing system, a Pressure Decay Test shall be performed and passed prior to commencing system operation and a record~~

of such modification and test results shall be maintained on site as required by 310 CMR 7.24(9)(e)1. 2. Submittal of a compliance certification to the Department is not required. Minor Modification shall mean, for the purpose of 310 CMR 7.24(9), the replacement or repair of: "screw on" spill or dry break bucket, <50% of total dispensers (e.g., 1 of 4 dispensers); <50% of dispenser piping, or replace/repair ball float extractor valve housings.

~~(f) Compliance Testing and Certification~~

~~1. Installation/Substantial Modification Certification:~~

~~a. Any person subject to the requirements of 310 CMR 7.24(9) who installs a new E85 dispensing system or makes a substantial modification to an existing E85 dispensing system shall, prior to commencing operation, perform and pass the following compliance tests:~~

- ~~i. Pressure Decay Test (Bay Area Air Pollution Control District Source Test Procedure ST 30 (2/6/91));~~
- ~~ii. P/V Vent Cap Test (Leak Rate and Cracking Pressure of Pressure/Vacuum Valves CARB TP 201.1E); and~~
- ~~iii. Underground Piping Check (Vapor Tie) Test (San Diego County Air Pollution Control District Test Procedure TP 96 1, Section 5.1.9);~~

~~Substantial Modification shall mean, for the purposes of 310 CMR 7.24(9), the: re-installation, repair or replacement of 50% or more of the E85 dispensers (e.g., 2 of 4 dispensers); re-installation, repair or replacement of E85 dispensing system components requiring excavation below a shear valve or tank pad (e.g., vent piping, two point or coaxial Stage I systems; or motor vehicle fuel storage tanks); or the installation, repair or replacement of a tank and/or fuel distribution system. If the re-installation, repair or replacement of one or more E85 dispensers occurs at an E85 dispensing system with two or fewer dispensers, the re-installation, repair or replacement of all E85 dispensers shall be a Substantial Modification.~~

~~b. Within 7 days of performing and passing said tests as required by 310 CMR 7.24(9)(f)1.a., submit to the Department a fully completed and signed E85 Dispensing System Installation/Substantial Modification Certification (Form A), attesting to compliance with the following requirements:~~

- ~~i. the E85 dispensing system components are installed or substantially modified in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification; and~~
- ~~ii. the required Pressure Decay Test, P/V Vent Cap Test and Vapor Tie Test were performed and passed prior to commencing operation.~~

~~c. Any person subject to the requirements of 310 CMR 7.24(9)(f)1. shall attach to the required Form A, a copy of the Notification For Storage Tanks Regulated Under 527 CMR 9.00 (FP 290) Form, for the installation of said E85 dispensing system on record with the Massachusetts Department of Fire Safety.~~

~~2. Annual In-Use Compliance Certification:~~

~~a. Any person subject to the requirements of 310 CMR 7.24(9) shall annually perform and pass a Pressure Decay Test and P/V Vent Test and submit (not more than 365 days after the postmarked date on the envelope used to submit Form A) to the Department a fully completed and signed E85 Annual In-Use Compliance Certification (Form B), attesting to the following:~~

- ~~i. the installed E85 Dispensing System is operated and maintained in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification; and~~
 - ~~ii. the required Pressure Decay Test and P/V Vent Test were performed and passed not more than 30 days prior to the date postmarked on the envelope used to submit the required Form B to the Department.~~
- ~~b. Any person subject to the requirements of 310 CMR 7.24(9) that fails a required Pressure Decay Test and/or P/V Vent Test shall immediately:~~
 - ~~i. repair incorrectly installed, non-functioning or broken component(s) in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification;~~
 - ~~ii. re-test and pass the required test(s); and~~
 - ~~iii. submit to the Department the required Form B on or before the facility's Annual In-Use Compliance Certification submittal due date or within 30 days of the date of the E85 dispensing system's first passing test result, whichever occurs first.~~
- ~~e. If an applicable E85 dispensing system fails a required Pressure Decay Test and/or P/V Vent Test and the incorrectly installed, non-functioning or broken component(s) cannot be immediately repaired and the system retested with passing test results, then any person subject to the requirements of 310 CMR 7.24(9) shall:~~
 - ~~i. immediately isolate the incorrectly installed, non-functioning or broken component(s) from the E85 dispensing system so that the remainder of the system passes the required test(s); and~~
 - ~~ii. submit to the Department the required Form B based on passing test results for the remainder of the E85 dispensing system on or before the facility's Annual In-Use Compliance Certification submittal date or within 30 days of said system's first passing test result, which ever occurs first.~~
 - ~~iii. Any E85 dispensing system component isolated from the remainder of said system shall remain isolated until such time as said component is repaired in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification; and all applicable compliance testing, record keeping and certification requirements for the Routine Maintenance, Minor Modification, or Substantial Modification of an E85 dispensing system are complied with as set forth in 310 CMR 7.24(9)(e)3. or (f)1., as applicable.~~
- ~~d. If an E85 dispensing system fails a required Pressure Decay Test and/or P/V Vent Cap Test and the incorrectly installed, non-functioning or broken components cannot be repaired or isolated as described in 310 CMR 7.24(9)(f) 2. b. or c., then any person subject to the requirements of 310 CMR 7.24(9) shall immediately stop dispensing E85 and conspicuously post "Out of Service" signs on all E85 dispensers until such time as:~~
 - ~~i. all incorrectly installed, non-functioning or broken components are repaired in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification; and~~
 - ~~ii. the required Pressure Decay Test and/or P/V Vent Test are performed and passed.~~
 - ~~iii. Any person subject to the requirements of this section shall submit to the Department, within seven days of performing and passing the required tests, a fully completed Form B as required by 310 CMR 7.24(9)(f) 2..~~
- ~~e. Any person subject to the requirements of 310 CMR 7.24(9) who owns, leases, operates~~

~~or controls an E85 dispensing system that fails a required Pressure Decay Test and/or P/V Vent Test and the incorrectly installed, non-functioning or broken components cannot be repaired or isolated as required by 310 CMR 7.24(9)(f)2.b. or c., before the System's currently applicable Annual In-Use Compliance Certification submittal date, shall submit to the Department a fully completed and signed E85 Facility Closure Notification (Form D) on or before said facility's applicable Annual In-Use Compliance Certification submittal due date. Upon making all necessary repairs to the E85 dispensing system, the owner, lessee, operator or controller of said E85 dispensing system shall perform and pass all required compliance tests and submit to the Department a Form A as required by 310 CMR 7.24(9)(f) 1.~~

~~3. Any E85 Dispensing System Certification submitted to the Department as required in 310 CMR 7.24(9)(f) shall be signed by an E85 Dispensing System Responsible Official in accordance with 310 CMR 7.24(9)(h).~~

~~4. Compliance tests performed for the purposes of compliance with requirements of 310 CMR 7.24(9) shall be performed only by a compliance testing company in accordance with 310 CMR 7.24(9)(i).~~

~~5. Any person subject to the requirements of 310 CMR 7.24(9), upon written notice from the Department, shall perform such compliance tests as the Department determines necessary and shall submit the results to the Department within 14 days of the performance of said tests.~~

~~(g) Notification Requirements:~~

~~1. Any person, upon entering into a purchase, lease or other contractual agreement by which said person becomes the owner, lessee, operator, or controller of an E85 dispensing system shall submit to the Department, within 30 days of the date of becoming said owner, lessee, operator, or controller or within 10 days of a written request from the Department, a fully completed New E85 Dispensing System Owner, Lessee, Operator, or Controller Notification (Form C).~~

~~a. Said notification shall include the following: the name of the new E85 dispensing system owner, lessee, operator, or controller and related business documentation, including the name and address of the facility where the E85 dispensing system is located; and~~

~~b. the date said person became the new owner, lessee, operator, or controller.~~

~~2. The Form C shall be signed by the Responsible Official(s) for the new owner, lessee, operator, or controller of the E85 dispensing system, attesting to the following:~~

~~a. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and~~

~~b. I am fully authorized to make this attestation on behalf of this facility.~~

~~3. Any person subject to the requirements of 310 CMR 7.24(9), upon entering into a sale, lease or other contractual agreement by which said person is no longer the owner, lessee, operator, or controller of said E85 dispensing system shall submit to the Department, within 30 days of the date of said sale, lease or other contractual agreement, a signed letter notifying the Department of the following:~~

~~a. the name of the person no longer the owner, lessee, operator, or controller of the E85 dispensing system, the facility name, E85 Facility Customer Code Number and address;~~

- ~~b. the name of the new owner, lessee, operator, or controller of the E85 dispensing system and related business information, including the new facility name and address; and~~
 - ~~c. the effective date of the change of owner, operator, lessee or controller.~~
 - ~~4. Any person subject to the requirements of 310 CMR 7.24(9) seeking to permanently or temporarily take out of use an E85 dispensing system shall submit to the Department a fully completed and signed E85 Dispensing System Closure Notification (Form D):~~
 - ~~a. Said notification shall include the following:~~
 - ~~i. the name of the E85 dispensing system owner, lessee, operator, or controller and related business information, including the name and address of the facility where the E85 dispensing system is located;~~
 - ~~ii. the E85 Facility Customer Code number for the applicable facility; and~~
 - ~~iii. a copy of the Notification For Removal or Closure of In Place Underground Storage Tanks Regulated Under 527 CMR 9.00 (FP 290R) Form, documenting the permanent or temporary out of use status of said E85 system on record with the Massachusetts Department of Fire Safety.~~
 - ~~b. The temporary out of use status of an E85 dispensing system shall be renewed as necessary by any person subject to the requirements of 310 CMR 7.24(9) by submitting a new, fully completed Form D on or before the annual anniversary of the effective date said dispensing system was taken out of use, as noted in the required FP 290R Form. Said renewal shall include a current FP 290R Form for said dispensing system on record with the Massachusetts Department of Fire Safety documenting the system's continued temporary out of use status.~~
 - ~~c. Any person subject to the requirements of 310 CMR 7.24(9) who temporarily takes out of use an E85 dispensing system shall, prior to re-commencing the distribution of E85, perform and pass applicable compliance tests and submit to the Department a fully completed Form A as required by 310 CMR 7.24(9)(f) 1.~~
 - ~~d. Any person subject to the requirements of 310 CMR 7.24(9), where the E85 dispensing system is permanently taken out of use, shall no longer be subject to the requirements of 310 CMR 7.24(9) as of the date the facility was taken out of use as noted in the required FP 290R Form.~~
 - ~~5. Any notification submitted to the Department as required in 310 CMR 7.24(9)(g) shall be signed by a Responsible Official for the E85 dispensing system as required by 310 CMR 7.24 (9)(h):~~
- ~~(h) E85 Dispensing System Responsible Official Certification of Compliance:~~
 - ~~1. Except in circumstances described in 310 CMR 7.24(9)(h) 2. below, all E85 Dispensing System Certifications and Notifications submitted to the Department shall be signed by an individual who is a Responsible Official for the E85 dispensing system.~~
- ~~Responsible Official shall mean, for the purposes of 310 CMR 7.24(9), in the case of:~~
 - ~~a. A Sole Proprietorship – the sole proprietor.~~
 - ~~b. A Partnership – a general partner with the authority to bind the partnership.~~
 - ~~c. A Corporation or a Non-profit Corporation – a corporate official with authority to bind the corporation such as a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy making or decision making functions of the corporation.~~

~~d. A Municipality or Other Public Agency—a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency;~~

~~2. For E85 dispensing systems owned by one party and leased, operated or controlled by another independent party and where both parties have separate E85 dispensing system compliance responsibilities, the required certifications and notifications shall be signed by Responsible Officials for each party regarding E85 dispensing system compliance. Each E85 dispensing system Responsible Official shall attest to the following:~~

~~a. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;~~

~~b. that systems to maintain compliance are in place at the facility and will be maintained for the coming year even if the processes or operating procedures are changed over the course of the year; and~~

~~c. I am fully authorized to make this attestation on behalf of this facility.~~

~~3. Any person immediately responsible for obtaining information referenced in an applicable E85 compliance certification or notification, who knowingly and willfully makes false, inaccurate, incomplete or misleading statements pursuant to said certification or notification, may be in violation of 310 CMR 7.24(9). Notwithstanding the previous sentence, any person subject to the requirements of 310 CMR 7.24(9) shall comply with all applicable provisions of said regulation.~~

~~(i) Compliance Testing Company Requirements~~

~~1. Any person who owns, leases, operates or controls a company performing compliance tests for the purpose of 310 CMR 7.24(9), shall submit to the Department, prior to performing said tests, a fully completed Stage II Compliance Testing Company Notification, as required by 310 CMR 7.24(6)(g).~~

~~2. Any person subject to the requirements of 310 CMR 7.24(9)(i), shall perform the following E85 compliance tests only in accordance with the applicable test procedures cited below:~~

~~a. Pressure Decay Test (Bay Area Air Pollution Control District Source Test Procedure ST 30 (2/6/1991)) and Table A. Minimum Allowable Pressure.~~

Table A. MINIMUM ALLOWABLE PRESSURE (Based on an initial pressure of 10.0" wc.)			
Ullage (Gal)	Minimum Allowable Pressure ("wc)	Ullage (Gal)	Minimum Allowable Pressure ("wc)
500	3.70	6,000	9.38
600	4.50	7,000	9.46
700	5.20	7,500	9.50
800	5.80	8,000	9.52
900	6.20	9,000	9.56
1,000	6.50	10,000	9.60
1,250	7.05	11,000	9.62
1,750	7.90	12,000	9.64
2,000	8.20	13,000	9.66
2,250	8.35	14,000	9.68
2,500	8.50	15,000	9.70

2,750	8.60	16,000	9.71
3,000	8.70	17,000	9.71
3,250	8.80	18,000	9.72
3,500	8.90	19,000	9.73
3,750	9.00	20,000	9.73
4,000	9.10	21,000	9.74
4,250	9.15	22,000	9.75
4,500	9.20	23,000	9.75
4,750	9.25	24,000	9.76
5,000	9.30	25,000	9.77
		30,000	9.80
Note: For a valid test, total ullage must be at least 500 gallons but no more than 30,000 gallons.			

b. ~~Underground Piping Check (Vapor Tie) Test (San Diego County Air Pollution Control District Test Procedure TP 96-1, Section 5.1.9)~~

c. ~~Pressure/Vacuum Vent Test (Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, CARB TP 201.1E) P/V relief vents shall be tested to be within .29oz/in² or 0.5 inches of water column of the designed pressure and within 1.2oz/in² or 2.0 inches of water column of the vacuum settings.~~

3. ~~Any person subject to the requirements of 310 CMR 7.24(9)(i) shall perform applicable E85 compliance tests, only upon:~~

a. ~~having been trained in accordance with the applicable compliance test protocols and procedures required by 310 CMR 7.24(9)(i) 2.;~~

b. ~~confirmation that all above ground E85 dispensing system components including, but not limited to: nozzles; hoses; hose retractors; coaxial adaptors; dry breaks; fill caps and gaskets; vapor recovery caps and gaskets; spill containment boxes; and drain valve(s) are:~~
~~(i) installed; and~~
~~(ii) the correct components are installed in accordance with the terms and conditions of the applicable Underwriters Laboratories, Inc. listing and/or manufacturer's certification; and~~

c. ~~if the E85 dispensing system has two or more motor vehicle fuel storage tanks, confirmation that said tanks are properly manifolded.~~

4. ~~Any person subject to the requirements of 310 CMR 7.24(9)(i) shall certify to the Department that compliance tests performed to meet the requirements of 310 CMR 7.24(9)(f) were performed as required by 310 CMR 7.24(9)(i) 2. and 3. As applicable, said certification shall be submitted on an E85 Installation/Substantial Modification Certification or Annual In-Use Compliance Certification and shall include:~~

a. ~~the date each compliance test was first performed and the result;~~

b. ~~the date each compliance test was performed and passed;~~

c. ~~a notation whether, (i) the entire installed E85 dispensing system was tested and passed all applicable compliance tested or (ii) incorrectly installed, non-functioning or broken components were isolated from the remainder of the installed E85 dispensing system and the remainder of E85 dispensing system was tested and passed all applicable compliance tests;~~

d. ~~if the remainder of the E85 dispensing system was tested and passed all applicable compliance tests, as noted in 310 CMR 7.24(9)(i) 4.c., identify all components isolated from the remainder of the E85 dispensing system; and~~

~~e. a certification completed and signed by a Compliance Testing Company Responsible Official, attesting to the following:~~

~~i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and~~

~~ii. I am fully authorized to make this attestation on behalf of this Stage II Compliance Testing Company.~~

~~5. Any person subject to the requirements of 310 CMR 7.24(9)(i) shall maintain for each E85 dispensing system tested, a complete set of compliance testing records. Said records shall be maintained for a minimum of five years, at the compliance testing company location(s) referenced on the Stage II Compliance Testing Company Notification form as required by 310 CMR 7.24(9)(i) 1. Said records shall be maintained by the address where the E85 dispensing system is installed, and include:~~

~~a. the date and first result for each required test performed;~~

~~b. the date each test was performed and passed; and~~

~~c. an itemized list of all E85 dispensing system components re-installed, repaired or replaced as necessary for the system to pass the applicable test(s).~~

~~6. All records maintained as required by 310 CMR 7.24(6)(i) 5. shall be made available to the Department or the US EPA immediately upon the request of either.~~